

California State Archives
State Government Oral History Program

Oral History Interview

with

HON JOHN F DUNLAP
California State Senator 1975 1978
California State Assemblyman, 1967 1974

August 4 18 30 and October 26, 1988
Napa, California

by Carole Hicke
Regional Oral History Office
University of California Berkeley

RESTRICTIONS ON THIS INTERVIEW

None

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PREFACE

On September 25, 1985, Governor George Deukmejian signed into law AB 2104 (Chapter 965 of the Statutes of 1985). This legislation established under the administration of the California State Archives a State Government Oral History Program to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history.

The following interview is one of a series of oral histories undertaken for inclusion in the state program. These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy issues of the state of California. They include members of the legislative and executive branches of state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.

Participating as cooperating institutions in the State Government Oral History Program are

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Claremont Graduate School
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The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source enriching the historical information available on given topics and allowing for more thorough historical analysis. As such the program through the preservation and publication of interviews such as the one which follows will be of lasting value to current and future generations of scholars citizens and leaders.

John F. Burns
State Archivist

July 27 1988

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INTERVIEW HISTORY

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Interview Time and Place

August 4 1988 Home of John F Dunlap Napa California
Session of two and a half hours

August 18, 1988 Home of John F Dunlap Napa, California
Session of two hours

August 30, 1988 Home of John F Dunlap, Napa, California
Session of two and a half hours

October 26 1988 Home of John F Dunlap Napa, California
Session of two hours

Editing

Hicke checked the verbatim manuscript of the interview against the original tape recordings, edited for punctuation paragraphing and spelling and verified proper names Insertions by the editor are bracketed The interviewer also prepared the introductory materials

Dunlap reviewed the transcript and approved it with minor corrections

Papers

No papers are available for deposit in State Archives or exist in other archives

Tapes and Interview Records

The original tape recordings of the interviews are in the university archives at the University of California at Berkeley along with the records relating to the interview Master tapes are preserved at the California State Archives in Sacramento

BIOGRAPHICAL SUMMARY

John F Dunlap was born in San Jose California on September 11 1922 He attended San Jose and Napa County schools, Napa High School and graduated from the University of California in 1946 He took the J S D at Hastings College of the Law in 1949

Mr Dunlap served in the U S Army Air Corps 1942 1946 He served as trustee of the Mt George Union School District 1950 1961, as assistant district attorney of Napa County in 1961, and as a member then chairman, of the Napa County Democratic Central Committee 1956 1966 He was elected as a Democrat to the California State Assembly serving 1967 1974, and then serving in the state senate 1974 1978 He was a member of the California State Workers Compensation Appeals Board 1979 1984

Mr Dunlap has been a member and president of Napa Lions Club, the Napa Branch American Cancer Society, the Napa County Mental Health Association and the Napa County Historical Society

[Session 1 August 4 1988]

[Begin Tape 1, Side A]

I FAMILY BACKGROUND

Napa County and San Jose

HICKE I wonder if we could just start this morning by getting a little bit about you and your background where you were born, and grew up and something about your parents and family

DUNLAP Sure My family [is] from Napa County, California I grew up in Napa County [My] earlier years [were] on my dad's prune ranch in Yountville I was actually born in San Jose, California rather than Napa, though I would ordinarily indicate my roots are from Napa

My dad was one of the organizers of a dry fruit co op known as the California Prune and Apricot Growers Association During two periods while I was growing up, he was an officer in that organization, and a full time, paid employee, in effect At one time I think when I was born he was what was called "Manager of the Field "

And like other political organizations co ops have their ups and downs Sometime within a few months after I was born for him there was a political up or down rather and a change and he was no longer an officer Its headquarters are in San Jose That s how I happened to be born in San Jose, rather than Napa

I think we moved back to the ranch when I was about six months or a year old I don t remember, I ve just been told that So that s I then grew up Until I was about twelve years old [I] stayed on the ranch at Yountville Then my dad became president of the co op for I guess three or four years We lived in San Jose again and then I came back to Napa and went to high school here, living in the town of Napa rather than on our ranch which was then rented

Then I went to [University of California] UC Berkeley starting in 1940 for three years From there, three and a half or thereabout no about three years in the [United States] Army Air Corps And [then] back to UC Berkeley for a half year getting my A B , and then to Hastings Law School

HICKE How did you get interested in the law?

DUNLAP Well, probably from it being sort of a family occupation My mother s brother my uncle was a lawyer Two of my three older

brothers were lawyers I suppose that had more to do with it than anything else

Family Members in Politics

HICKE Well, one of the things I always like to ask people is how they got interested in politics, but having read about your family a little bit in doing my research I think I have a clue But could you tell me about your grandfather and your great grandfather?

DUNLAP Well yes Actually they were I guess my great grandfather on my mother's side whose name was Nathan Coombs was an early pioneer I mean, I don't guess he was he was [Laughter] He was married at Sutter's Fort in I think 1845

HICKE Is that right?

DUNLAP He was a state senator I think for four years, from 1854 to 1858 or something like that

HICKE Did you ever hear any stories about his days in the state senate?

DUNLAP No I only knew that he was I never heard any stories about that I don't remember any particular stories about him as such His son, my grandfather on the other hand, I did know, and I do remember stories about him

HICKE And he was speaker of the assembly?

DUNLAP Yes He was speaker of the assembly in I don't know,

sometime, I believe, before 1900 I think he was only thirty seven years old

HICKE What was his first name?

DUNLAP Frank Frank L Coombs And he was in the state legislature off and on over a long period of time, in the assembly Actually, I think he served his last few years in the 1920s I remember as a little kid going up there with my brothers who were older than I, and we were all introduced I remember when I was introduced he had me stand on top of his desk, and I just remember feeling self conscious

He was also in Congress I think for one term and served as minister to Japan under the what was it the [William Henry] Harrison administration the one that was in between two Grover Cleveland presidencies? Minister to Japan at the time was a rank similar to what ambassador would be now but Japan was a quote "smaller country" unquote and as a result they didn't have an ambassador

That's on my mother's side

HICKE Before we leave him did you ever hear him tell stories about his political adventures?

DUNLAP Yes I don't really remember any of them terribly well He died in

1934 when I was pretty young, twelve years old I remember, though, that he had been a big shot, and sometimes when big shot Republicans were in town, they came to see him

HICKE So he was a Republican

DUNLAP Yes Yes, they were all Republicans I don't know what the great grandfather was He may not have been a Republican I'm not sure

HICKE Do you remember any of the people who came to town to visit?

DUNLAP Yes I think just one maybe that I can really remember for sure He was running for governor in the Republican primary His name was John R Quinn That would have been sometime in the thirties I guess He didn't make it in the Republican primary

The actual governor I think as I remember also came to my grandfather's funeral That was Governor [Frank F] Merriam

And also on that side of the family, my uncle, one whom I mentioned as being a lawyer, served in the state senate for three terms 1948 1960

On my father's side of the family his father my grandfather was Napa County sheriff for I don't know how many terms but at least two That was at a time when county offices were partisan and he was a Democrat

So although most of what I got saturated with as a kid came from the Republican side of the house, so to speak, why my father and his father were Democrats

HICKE So you really had a little bit of both

DUNLAP Yes Actually I didn't register as either Democrat or Republican for I guess about the first seven years that I was a voter I registered as a "decliner to state " Probably partly because of the divided family background I also was kind of a I don't know exactly, I'm not sure what adjective to use to describe me, but I was a little bit pseudo intellectual about it, let's say, and I thought I was better than either one of the parties, and above it all So I didn't That had something to do with it too

HICKE When you were growing up, were there a lot of political discussions, and talk of state happenings?

DUNLAP Yes I can remember some Somewhere my uncle, who had been active in Republican politics for a long period of time was as I look back on it now I would say pontificating a bit Yes I remember more however political discussions that I may have had with my father or with my friends in high school and college It may have been something at home that got me started, but more of the active thinking at least at a conscious level, took place among my

contemporaries Except possibly with my father or my mother some, or my older brothers

HICKE With your friends, did you discuss partisan politics or was it mostly the issues?

DUNLAP Well, both They're inextricably intertwined I believed

HICKE I'm sure that's right But I didn't know, were most of them Democrats or Republicans or were they a mixture?

DUNLAP In college, most of them were Republicans They belonged to a fraternity They tend to be on the wealthy side people in fraternities, or at least they did then

HICKE Which fraternity?

DUNLAP Zeta Psi, at UC Berkeley In high school, there was a bigger mix I continued to do that when I went into the army for three years politics was a frequent discussion

U S Army Air Corps Reserve, 1943

HICKE OK So we've got you up to Berkeley and then you were in the service Did you stay in the states when you were in the air corps?

DUNLAP Yes I enlisted in the [U S] Army Air Corps Reserve when I was in college in 1942 and was not called into active service until March of '43 I enlisted as what was to be an aviation cadet, in other words, for pilot training They took us all into service or a lot of

us, a tremendous number, and sent us to college training detachment first. Well, first we went to basic training at Omaha Nebraska, for about a month. I remember that as being very cold in March. Then we went to college training detachment at Drake University in Des Moines, Iowa, for a few months.

HICKE: I'm from Des Moines. I grew up there.

DUNLAP: You're from Des Moines? It was a nice place. I enjoyed it. We left there before it got real hot, we left in early June. I could see that it was going to be hot and sticky weather, which I had not experienced much at the time. I mean, it gets hot here, but not the sticky.

And then on to pre flight [training] in Santa Ana [California], where I washed out. So I never got very far. I had a few hours training in a pilot piper cub while in Des Moines. I didn't fly very well, and somebody at one time said something about they thought they could teach me to fly all right, but that they weren't sure whether the war would still be going on when I finally learned.

And so I went then to aircraft armament school in Denver, Colorado, at Lowry Field for a few months, and then to Laredo, Texas, for aerial gunnery school, and then to Fort Myers, Florida, for aerial gunnery instructor school. All that took about a year. At the

end of a year's time I got a couple of weeks off and came home and spent the next two years on the desert in southern California at a I'm trying to remember the technical name for it, but it was a school for aerial gunners just after they'd finally In other words a flight crew school, where they get their final training before going overseas I was an aerial gunnery instructor there for two years, first in B 24s and then in B 29s It was, as I look back on it, a very safe soft job sort of I didn't find it terribly exciting As a matter of fact it was boring a lot of the time

HICKE You were out in the desert

Marriage, UC Berkeley and Hastings Law School

DUNLAP Yes That was not the most pleasant place in the world to be but you live most of the time in buildings and that was all right It just mostly was not particularly exciting I don't look on it as a high point in my life With the exception that I met Janet during the last six months that I was there

HICKE Well indeed then there was something to be said for that And Janet was in southern California?

DUNLAP She was visiting her brother and his wife, who lived in Riverside at the time He was in the Army Air Corps also and was a pilot

HICKE And you got married

DUNLAP We got married the following July 13 1946 We met in October of '45 Actually we met on a train we met on the Owl, which was a slow freight train not a freight train but a very slow train that ran in the Sacramento Valley from San Francisco to Los Angeles, going the valley route I'd been visiting my parents, and Janet had been up here visiting We were both on our way south and they were the only two seats left on the train

HICKE Well just a month before you got married or so, you graduated from Berkeley

DUNLAP Yes, you're right I got out of the army in February of 1946

HICKE Then you graduated in June

DUNLAP Then I went back to see Janet almost immediately, and we got engaged Then I came back and registered about a week late, and went to college for one semester and got my B A

HICKE Did you tell me what you majored in?

DUNLAP Well, I started out [Laughter] I'll tell you the whole story, which you didn't ask for I started out majoring in chemistry because I liked chemistry in high school very much At the end of the first year, I decided I really didn't like all the math that had to go with it Although I managed to pass the courses, I did so with a lot of sweat, and I wasn't a very disciplined student I didn't do

terribly well in them

So I switched to economics. My next two years, sophomore and junior year, were in econ. When I got back with one semester to go, the only... Well, there were several courses in econ that I had to take to graduate, and I took them except one of the required courses. Econ 100B, wasn't taught that semester. Well, I couldn't take it, and I wanted to graduate, and I switched to what was called general curriculum, which meant a concentration in two or three fields. And actually, I was in two, econ and history, because I had taken a lot of history in the process also.

I got credit for some of the work I had done at Drake University for college, and I also took a couple of correspondence courses when I was in the army. That's why I was able to graduate in just one semester.

HICKE: And then did you start at Hastings?

DUNLAP: Yes, I started at Hastings the following fall. I guess September of '46.

HICKE: Does anything come to mind of that period while you were in school?

DUNLAP: Well, I was an eager beaver and worked pretty hard. The first year there I think I worked probably harder than the others, but I

worked hard all the time I got good grades

In the first part of the second year, I found my courses were pretty boring I tried to transfer to Boalt [Hall] but I had waited too long and wasn't able to do so I had applied to Boalt and had been turned down and I hadn't My grades in college before the war were nothing very terrific Somewhere above a C average, but not particularly good

Anyhow, I was not admitted So I went to Hastings where I was also accepted I sort of forgot about wanting to go to Boalt, although somebody had told me that if I got good grades at Hastings I could transfer at the end of the first year And I just didn't give that much more thought, because we were situated in San Francisco

But then as I said I got very bored with all of the I don't know I think I probably had a couple of dull profs and the courses maybe were more boring the second year than either the first or the third But it didn't work

I remember a couple of professors that I enjoyed a lot in law school and were stimulating and inspiring It was a happy time for Janet and me

HICKE Janet was working I imagine?

DUNLAP Yes she worked Janet was a physical therapist and a graduate from the University of Pennsylvania in physical therapy There's a physical therapy school at the University of Pennsylvania and she worked in a couple of hospitals in San Francisco

HICKE Do you remember the names of the professors that you were particularly impressed with?

DUNLAP Yes I probably remember some of them, anyway One of them was [Oliver LeRoy] Leo McCaskill from Hastings at the time had what was called a "65 Club", where they got professors who were over 65, or whatever other the retirement age was at their own original college and were forced to retire but didn't want to quit and so they worked at Hastings He was from Cornell [University] He taught Common Law Pleading, which was a course Well I'm sure you know what pleading is having interviewed lawyers and so forth but the course ordinarily would be kind of dull

The way he taught it was very hard because he didn't give anybody he didn't lay it out for you at all but went off in all sorts of crazy directions, giving examples But he was a fascinating old guy He was an arch conservative, and occasionally his politics got into the course, and I didn't particularly enjoy that But I did

like his course Most people didn't like his course, but I was stimulated by it, the way he presented it

I'm trying to think I can't think of any others for sure, but if I sat down and worked at it I probably could

HICKE Well that's fine OK and you graduated in 1949 from Hastings?

DUNLAP Yes

II LOCAL GOVERNMENT NAPA COUNTY

Law Practice Coombs, Dunlap and Blankenburg

HICKE And then what did you do?

DUNLAP Well, we had just about run out of the money that we had saved and my oldest daughter was born as I started my third year During the first part of the time we were there, we had saved money, because I had the GI bill and Janet was working

It was my third year Actually within a succession of, I think two days Jill was born I started back to law school and they had a draft at that time and I remember I had to register for the draft also at the same time Just sort of interesting

I don't remember exactly what I was Oh, you wanted to know just generally what I did when I got through law school

HICKE I think you went back to practice law

DUNLAP Yes Well as I said, we'd run out of money just about and so I had to go to work [Laughter] Not that I wasn't eager to, anyway I was pretty well imbued with the work ethic, and that was what I obviously was going to do the rest of my life anyway

So an opportunity to work was available up here in a family law firm which consisted of my uncle and my brother Frank who was my youngest brother My youngest brother, but nine years older than I My three brothers were all nine ten, and twelve years older than I, approximately

HICKE That was called Dunlap and Dunlap?

DUNLAP No, Coombs and Dunlap And the two of them and one other attorney who was a law school classmate of my brother's Actually the firm was Coombs Dunlap and Blankenburg It later became Coombs and Dunlap because Blankenburg went off by himself

HICKE What kind of law were you practicing?

DUNLAP Oh general practice There were some specialties we didn't do but darn few, actually

HICKE It would have been a lot of agricultural law, or corporate?

DUNLAP Well everything from real property law, you mentioned agricultural well real property law got involved in that Ownership of land rights of way

HICKE Riparian?

DUNLAP Riparian rights a little bit Water law wasn't highly developed at that time in this area It has become more and more important as time has gone on, and then more people and more demand for water, and no more water Less water actually Real property law divorce law criminal law personal injury defense law My brother was involved as an attorney for several insurance companies and the Southern Pacific Company [He] was a personal injury defense lawyer So really pretty much everything I evolved into this

[End Tape 1, Side A]

[Begin Tape 1 Side B]

HICKE You were just saying you evolved into the same type

DUNLAP Yes I evolved into the same type of attorney myself, very much general practice I'm a little more apt to represent the plaintiff's side of a personal injury case than the defendant as my brother but I did some of both Quite a bit of divorce law and quite a bit of real property law and some criminal law At the time in Napa County they didn't have a public defender Public defense cases were assigned by the court to lawyers who were willing to do that kind of work First, it was free then somewhere along in the process the legislature passed a law that the county had to pay us We were

paid although not on a very high paying basis So I did some of that as a public defender status and some of it privately for hire

HICKE How did that system work?

DUNLAP Well, I think it worked fairly well at the time You know, it's a relatively small county not a high crime rate, essentially rural There tends to be a little less crime in rural communities than there is in more urbanized ones Criminal law wasn't as highly professionalized as it is now, so an expert criminal lawyer wasn't probably quite as essential to the protection of the rights of the defendant I liked it but that's because I liked criminal trials But I wouldn't have liked to have been a public defender

As a matter of fact I think that's almost a general thing with me, that I don't think I would have liked any branch of the law as a steady diet of specialization A country practice or a general practice was good I preferred it that way I don't think I would have liked to have been a specialist I think that's probably something to do with my personality in general I felt similar about legislative work, although I did know more about certain fields than others, I tend to work in a few more than others

I didn't like to consider there was something I couldn't be involved in if I wanted to be That's also probably one of the

reasons I didn't go back to practicing law when I was defeated in 1978. That's an oversimplification and that's way ahead of my story.

HICKE: Did you continue to practice law while you were in the legislature?

DUNLAP: Not really. During the first say term, there were various cases and I say cases not necessarily meaning a case that had to be tried in court, but various legal problems that I was working on with people. Incidentally, business law, of course, where we were negotiating buy and sell agreements and various things like that, also was a reasonable part of what I was doing.

And there were things like that that I had started that it would have been very hard to give to someone else maybe the people that I was working for either didn't want it, or it would have been impractical. I finished up all those things and probably took on a few more. But as time went on, I just became too involved in the legislative process including constituent service and running around making speeches and seeing people, and listening to people and talking to people to practice law also.

Some lawyers in the legislature limited their legislative work and practiced law also. I just sort of chose not to. And I didn't have to, my partners originally one person who was our employee

and later more absorbed the burden I continued to be a member of the firm, and drew some income for it, although at a considerably reduced rate, because I was paid by the state of California

But I didn't pay much attention to being a lawyer It got probably, during the last I was in the legislature for twelve years probably during the last eight I practiced law under eight hours a year In other words very little

City Government, City Planning, and Development

HICKE Well at some point along in here, you were deputy district attorney and deputy city attorney for Napa

DUNLAP Yes My brother was city attorney of Napa during two periods when he and I were working together I was his deputy I think I was his deputy actually without pay for part of that time It just meant that when he wasn't around I handled things I also remember as I recall, that I went to all the planning commission meetings That was just my area

Then in addition to that, I was also hired on a very special project to codify the laws of the city of Napa The ordinances I spent, gee I don't know how many hours but maybe 100 or 200

HICKE That was a major undertaking

DUNLAP Yes Going over all of the ordinances I guess there had been a

previous municipal code in something like 1884, or something like that. This was in the fifties. So I went over all that and cut out the dead, overlapping ordinances and put it all together, and it was enacted as a municipal code. Actually finally I think when I finished that job up my brother was no longer city attorney. But another lawyer in Napa was, in conjunction with him. In other words, since he was the new city attorney he looked it over and he and I worked together a little bit. It was enacted.

So in the district attorney. Actually, I was assistant rather than deputy, but I don't know that that makes much difference. But it was a higher paying job. [Laughter]

HICKE That makes a difference.

DUNLAP Yes. There was one assistant, one deputy, and the assistant got more than the deputy. But that was only for about nine months, although it was a good experience, and I was glad I did it. It was part time. But it took a substantial amount of time and I had several trials that I handled as prosecutor, which I would never have had the experience of doing. I got more of a kick out of I found, being defense attorney than prosecuting attorney.

I enjoyed doing those trials, but I didn't enjoy prosecuting as much as I did in defense work. I think that's partly something that's

sort of an identification with the downtrodden I suppose and more fun to beat the system

But also, prosecutors usually expected to win, and should You don't have to take a case to trial if you don't want to And unless you're pretty sure they're guilty you don't The defense counsel is in the opposite position not expected to win And so when you do you feel like you've done something about it

I say something that might sound a little cynical, and it does have its cynical aspects but did you ever watch these television or listen to the radio, criminal lawyer shows like Perry Mason? He's a lawyer, but he's more of a detective than a lawyer I don't think I ever remember a Perry Mason case where he's gotten a guilty client off He's always proved they were innocent, or at least practically all of them And I used to say, it takes a lawyer to get a guilty person off [Laughter]

That's just personal accomplishment Although I am inclined to brag about that a little less as time goes by

HICKE Can you tell me something about city government that you recall of significance?

DUNLAP I remember being relatively interested in city planning

HICKE That must have been very interesting in Napa

DUNLAP Yes

HICKE What did that involve?

DUNLAP Well it involved a lot of very fancy laws but a lot of people that were just ordinary people trying to work them [Laughter] I say ordinary I don't mean that they were subject to This is once again way back in the fifties

HICKE Before the big corporations sort of came in and

DUNLAP Yes And before people were particularly sophisticated The power of government in the planning field has developed considerably since World War II There are lots of things that planning commissions and city councils and boards of supervisors as well as those involved in quasi regional government can tell people they can and can't do with their property now, that would have been looked upon as unconstitutional, previously Public rights in private land have increased The concept of private property has been eroded

HICKE For the public good

DUNLAP I think for good and sufficient reason It's usually happened only after failure for a new public right to exist has proved disastrous that we've gotten around to correcting it But it's an interesting thing to look at from a historical standpoint

HICKE Do you recall any specific things that you worked on?

DUNLAP I'm trying to I can't think of anything just off the top of my head

HICKE Development? Was that a problem?

DUNLAP Yes But I can recall being hired by developers on occasion to do projects I remember one in which we were unsuccessful and as I look back on it now, we probably should have been although obviously I was representing a client at the time and I probably didn't feel that way then It concerned some property west of Napa that would have created an island of urban development a mile or so west of the city of Napa in a place where that has occurred now of course, the city has gone out there But it probably would have been premature at the time

HICKE Was there a no growth slow growth issue?

DUNLAP No Not really The major objection to that was Not representing the city at that time, I don't know exactly what went on in the heads of the planning commission and the hired planner, but basically what we were told was that was a spot zone It was We tried to say that it wasn't

HICKE And that's not an approved manner of zoning?

DUNLAP No Cities are supposed to expand from the center outward, and not just grab areas here and there because the landowner wants to quit farming and get rich or because somebody thinks they'd like to

develop there or live there So that the public interest and orderly growth and preserving agricultural land are more important

Most of these things, most of the trends that started shortly before or during the time I was in the legislature and I don't remember on very many occasions being involved the Local Agency Formation Commission, LAFCO, that was a product of [Assemblyman] John Knox of Richmond who was the assemblyman who started that I think maybe that was in the early sixties Although I knew of its existence before I went into the legislature I wasn't highly involved that I remember in any law that involved that

The Williamson Act¹, which was the first agricultural land preservation act I think, probably was adopted in maybe 1965 or maybe '64 Not long So it hadn't been in existence very long when I first went into the legislature I think I knew of its existence, but not from any actual practice of the law but rather just from going to a community forum sponsored by the UC Extension representative here in Napa County

1 A B 2117 1965 Reg Sess , Cal Stat , ch 1443, p 3377

HICKE As part of the planning commission, were you involved with the wine growers?

DUNLAP No I was city They're pretty much county The city of Napa representative

HICKE There was no tug of war between the city and the wine growers?

DUNLAP No The wineries traditionally all tended to be up the valley Say, almost with very few exceptions, most of them north of Yountville Now they've spread, and they're in Carneros southwest of town, and all over the Napa Valley Some of them right across the street from where we are right now

HICKE I saw some as I was driving here

DUNLAP Yes When I grew up on the ranch in Yountville, prunes were at least as important an agricultural product as grapes The prunes are practically gone now They're out in the Sacramento Valley, mostly

HICKE They're disappearing from there too, I think

DUNLAP Well I hope not I like them

HICKE [Laughter] Not entirely

DUNLAP Well, I don't know Up as of a few years ago, prune acreage was increasing out there still

HICKE Was it? OK, I was thinking of San Jose, I guess

DUNLAP Oh, yes Well San Jose is similar If the Santa Clara County

weren't just bigger than the Napa Valley, they'd be gone from there completely

HICKE OK Well, did we cover both of your stints as assistant district attorney and deputy city attorney?

DUNLAP Pretty well yes I might think of something somewhere that's interesting but I don't offhand

HICKE OK Well, obviously during this time you probably got to know even more people You must have known a lot of people anyway growing up here But did you develop something of a

DUNLAP Oh yes Well I should tell you perhaps one thing I just happened to think, one thing that gave me some pleasure in my capacity as deputy city attorney Constitutional law was a subject that I was interested in in law school, and probably interested in it because it has political aspects as well You know, what the government can and can't do I remember in many of the political changes that have taken place, of course, since World War II, where for one reason or another legislatures and the Congress and so forth haven't had either the fortitude or the inclination to make changes why the courts have made them

So that's one of the reasons that I've been interested in it But I remember the city of Napa wanted to pass an ordinance against

handing out handbills. The city council wanted to do it and my brother was in the process of telling them they could. I happened to have read and studied what could and couldn't be done, and knew that they had a greater authority to limit handing out of handbills for commercial purposes than for political purposes. Handing out handbills for political purposes involves exercise of freedom of political expression, and you couldn't stop them from handing them out. Just because you knew that a lot of people were going to throw them away and litter the streets didn't mean you could stop that from being done.

HICKE: Was that the purpose of this?

DUNLAP: Yes. That was an antilittering objective, which was perfectly reasonable. But the question was of conflicting values. Anyway, I called my brother's attention to the case that indicated the limits on the power, and he read it and said, "I guess you're right."

[Laughter] I think he was a little reluctant, because of course, the city attorney, or any attorney, likes to tell his client they can do what they want to do. They don't like to tell them they can't.

But anyway, he agreed with me, and they changed the ordinance to comply with what the [United States] Supreme Court had said.

HICKE But the commercial handbills could be disallowed?

DUNLAP Yes That was a long time ago, in the fifties or sixties and I'm not sure what the Supreme Court says now I'm not sure whether I had a U S Supreme Court case or a state supreme court case, or a circuit court case, but it was one that had to be looked upon as definitive at the time

Joining the Democratic Party

HICKE OK Well then at some point you decided to run for No let's see Before that 1954, you were secretary of the Napa Democratic Club

DUNLAP Yes

HICKE And I also have you down as secretary treasurer two term chairman of the Napa County Democratic Central Committee and I don't know which of those would be the first, or where it is

DUNLAP Yes That's a little Not quite yet I told you earlier that I didn't register to vote as either a Democrat or a Republican but rather as a "decliner to state " and I maintained that for quite a few years I think probably it was 1952 that I registered as a Democrat, and that had something to do with [Governor] Adlai Stevenson whom I admired a great deal

I don't think that I probably ever could have been a

Republican Because the only Republicans I liked were those on the liberal side who didn't ever get very far in the Republican party Then I was probably a Democrat at heart most of the time, but I don't know I admired Stevenson a lot and maybe it was just an intellectual approach to things I don't know what

Anyway, that sort of caused me to become a Democrat, "come out" let's say, so to speak, because I was surrounded by Republicans in the law firm Although I mentioned a divided family background, the Coombses were better known in Napa for their political prowess than my grandfather as a Democratic sheriff So I think people generally thought of the family as Republican

Anyway Where was I?

HICKE Did you campaign for Stevenson?

DUNLAP Not in a major way I think I maybe wore a lapel button some of the time maybe, or a bumper strip on my car, things like that But nothing really active or in any kind of a leadership position

But anyway, that sort of got me started In '54, I'd been thinking about getting more involved and not just reading about it, but actually participating A friend of mine and I were talking in our kitchen one night I think a couple were visiting Janet and I, and we were just talking As he and I were somewhat wont to do

we became involved in a political discussion and we were talking about [U S Senator Joseph] Joe McCarthy and McCarthyism, and about [President Dwight D] Eisenhower We were both very dissatisfied with the fact that Eisenhower was not putting McCarthy down We were sort of arguing about it One of us was saying that Eisenhower didn't have the guts and I didn't think it was guts but I thought he just didn't understand the fact that the moral weight of the presidency had the power to do something

Anyway, we were arguing back and forth, and being pretty sanctimonious about it and not having anything good to say about Eisenhower My wife said something about 'You guys are just a bunch of talk, or something like that "Neither one of you is doing anything ' [Laughter]

Napa Democratic Club and Central Committee, 1962-64

DUNLAP And that hit home a little bit A couple of weeks later, I read about the Democratic Club having a meeting in the paper so I went to the meeting I think that I was elected secretary treasurer of it at that meeting and continued to serve as a very active member of it for a long period of time

Then you mentioned the Democratic Central Committee I was vice chairman of it for I think one term (which were two year

terms) and chairman for two terms The Democratic Club of course is a voluntary organization of people who just want to pay dues and work as Democrats and try to make their views prevail in one way or another, either through electing Democrats or through influencing

[End Tape 1 Side B]

[Begin Tape 2 Side A]

HICKE Or influencing ?

DUNLAP Or influencing Democrats who were elected And the Democratic Central Committee is an official body elected at primary elections every two years, according to districts within the county a certain number in each supervisorial district They are supposedly the official representatives of the Democratic party

In Napa the Democratic Central Committee had been sort of moribund Those who were members of it were not particularly active and some of them tended to be on the conservative side, and just sort of "Me too" ing Republicans Perhaps one of the reasons that Democrats were not doing real well in California during the oh way back thirties forties fifties Finally in 58 of course we had a Democratic landslide Ever since then, Democrats have done pretty well, by and large in local elections, local and state elections

Working for Change Racial Discrimination, Comic Book Censorship

HICKE Did you kind of stir things up, or did you have any special projects you were working on?

DUNLAP Oh I was one of the young people wanting to change things and have the word "Democratic party" mean something, as an instrument of change and social innovation. There are a lot of reasons people belong to one political party and not another everything from what my mother and father were to all sorts of intellectual reasons. Being on one side or another of one political issue or another I sort of put it all together as the major difference that I saw running through an awful lot of things in the Democratic and Republican parties that Democrats tend to be more innovative and the Republicans tend to favor the status quo. Innovation was more interesting and creative to me than representing the status quo. I think it's also a more reasonable way for a society to function. So that's a broad generalization which isn't always true but is a lot of the time.

HICKE What kinds of things did you want to change? Do you recall? This is before you got in the legislature.

DUNLAP Well, I was aware of the inequality of opportunity that existed as a result of money, wealth, and cultural differences. There were

practically no black people in Napa yet in Vallejo, fourteen miles to the south the community had about oh 20 percent black That didn't just happen, because black people like cities that begin with 'V', it was a policy of discrimination The Supreme Court, of course, I guess way back in '48 had outlawed restrictive covenants

HICKE In real estate

DUNLAP Providing that people of race could not be prohibited by restrictive covenant from using land But sort of a sub rosa gentleman's agreement on the part of realtors made it pretty hard on the part of black people to acquire property here And of course, most of them didn't want to because most people aren't pioneers Most people don't do things the hard way, and I can understand that But that fact, plus the active opposition albeit at a quiet level, tended to work that

Janet and I both belonged to a group of people in Napa who tried to change that and we had a Methodist minister in town here who was quite a leader, who lost his job incidentally

HICKE Because of that?

DUNLAP Yes That was not the stated reason but it was obvious and certainly I don't think anybody who knew about it doubted that for a bit We worked and got, I think 400 names of people who

And then we all put up enough money to put an ad in the paper I think we had a full page ad saying that we would sell or rent our houses to anybody who had enough money to move in [Laughter] You know it was That was probably around 1962 or so We felt we were doing a good thing

HICKE What was the reaction?

DUNLAP Well, the minister lost his job My brother and his wife who lived in a subdivision northeast of Napa a fairly fancy well, fancy is not the word, but a nice subdivision let's put it that way had someone burn a cross on their lawn They obviously mixed my brother up with me

HICKE Oh He hadn't even signed it?

DUNLAP He wasn't involved in this No he believed pretty much as I did Although he was a Republican he was fair minded, but he just wasn't an activist in that regard at all [Laughter] The Democrats, incidentally through the efforts of some of us, supported the right side of that issue, I mean the

HICKE The official Democrats

DUNLAP Yes So I didn't work just solely as a Democrat, but got involved in other things like that Also there were Republicans in that group, but I'd say probably 80 percent of the people involved were

Democrats

I remember once we had one that was kind of fun In the fifties, in the late fifties Yes, because it was before [Governor Edmund G] Pat Brown [Sr] was governor He was elected in '58 The Napa County Board of Supervisors had comic books no not the comics in funny papers but there were a lot of comic books that were coming out at the time Some of them were pretty scroungy and they portrayed a lot of violence and things like we have on television now that I don't think much of There was quite a group of people that didn't like them I didn't like them Some of these people were the censor minded people, and they were trying to get the board of supervisors to pass an ordinance censoring comic books so that the bad ones could be weeded out

I think some cities and counties around the state had adopted such ordinances and of course that's obviously a prior restraint on free speech and unconstitutional I don't know how obvious it was then but it was to me as a lawyer

So a couple of us got the Napa Democratic Club to pass a resolution against the board of supervisors doing this We went to the meeting and this was before we were in on the Democratic Central Committee before a lot of the younger more active people

had gotten elected to the central committee. We went to the meeting of that and there weren't very many people there. We swung them into doing it too.

Then I went as a representative before the board of supervisors, together with, I guess it was the vice chairman of the Democratic Central Committee because the chairman was not around and didn't do things like that anyway. We opposed this on the part of the board and the board said that the county counsel told the board that we were probably right, that they'd better be careful. The board backed off and didn't do it. I remember being very pleased because the local newspaper was conservative, strongly Republican but they were also, like newspapers against censorship. So they gave us a great front page headline on that one. We considered that we were a big success, as far as we were concerned then.

I was involved in a lot of other activities in town, to get to know people. One of the ways lawyers advertise themselves in small towns or used to at least was volunteer activities. I was president of the Cancer Society, the Mental Health Association, the Napa County Historical Society, the Napa Lions Club, and other organizations like this. I was active in. I enjoyed that kind of thing.

I enjoyed meetings and dealing with people in the realm of ideas,
and so forth

HICKE You were also on the state central committee

DUNLAP Yes That is, by virtue of being chairman of the county committee,
all county committee chairmen are ex officio members of the state
central committee The state central committee is composed or was
then of appointees of elective officers who are Democrats
appointees of Democratic candidates who ran and were defeated, the
officers and the candidates themselves, and the county chairmen So
it was dominated by officeholders and candidates and their
appointees

HICKE When was this, can you recall?

DUNLAP Yes That would have been the two terms I ceased to be
chairman of the Democratic Central Committee just the year that I
ran for and was elected to the state assembly

HICKE And that was '67

DUNLAP Well '66 was the election So in the primary of '66 I ceased to be
chairman of the committee

HICKE So you were on the state central committee all that time?

DUNLAP Four years It would have been '62 through '66

HICKE Do you recall anything about that of significance?

DUNLAP Oh we thought we were important We used to go to meetings and enjoy it and enjoy talking to like minded people It tended to be dominated by incumbents in office, and those who were their appointees just by virtue of their number But the state central committee itself only met once every two years It was sort of like a convention The state central committee executive board which was the county chairmen met three or four times a year We passed resolutions on worthwhile things and got them in the paper and I guess had some tendency to educate the public and influence things a little bit But no no real power

Political organizations, at least as far as the Democrats go in California, tend to be pretty weak They are not major fund raising organizations Special interests are major fund raising organizations and have a greater power for that reason That's an oversimplification, but there's an awful lot of truth to it

III BEGINNING INVOLVEMENT IN STATE POLITICS

California Democratic Council

HICKE And the California Democratic Council? You were director for two terms

DUNLAP Yes Democratic Council is an organization of political clubs

throughout the state, and volunteer organizations. It was started after the debacle of the 1952 election in which the Democrats did very poorly. [U S Senator] Alan Cranston was one of the founders, as a matter of fact. I went to the first convention it held in 1954, and most of them after that. Until I got more involved in the legislature and had less time for that kind of thing. Although I still went to some

HICKE Do you recall any events of importance that happened there?

DUNLAP Well, they were important at the time. I recall the convention of 1960 was a great event in many respects, just as a participant to be there and watch. We had practically all the major aspirants for the Democratic nomination for president there to speak. [Senator] Chester Bowles, [Senator Stuart] Symington, [Senator] Hubert Humphrey, [Senator] John Kennedy, and maybe one other, I don't remember. We didn't endorse anybody for president, but it was a sounding board that all these guys used. There were some great speeches which I enjoyed at the time.

I still enjoy good political speeches. I watched the Democratic convention this year. I'm not ashamed to say that it brought tears to my eyes occasionally during both [Reverend Jesse] Jackson's and [Governor Michael] Dukakis's speeches.

Water Plan, 1960

DUNLAP In 1960, Pat Brown was governor and got the CDC [California Democratic Council] to endorse the California Water Plan which came on the ballot that year as a bond issue I'm not sure right now whether it may not have been a mistake in some respects

HICKE Why do you say that?

DUNLAP Too much water on land in parts of the San Joaquin Valley has resulted in things like an increase in selenium I guess you've heard of the Kesterson Wildlife Refuge problems? The plan is, of course, for the San Joaquin land to be drained, getting rid of all of those chemicals, and dumping them into the bay I don't know that I like that I'm not sure that the appetite of southern California for water can ever be slaked

Although at the time, I supported the California Water Plan and voted for it as a voter and supported it not only as a member of the California Democratic Council but I also was running for the Democratic nomination for the state senate that year which you maybe didn't know I was defeated in the Democratic primary I generally supported it, and openly then in an area where it was defeated It was defeated in this county and Yolo County, the two counties that I ran in at the time

But as one looks back on it it involved a give in on the part of the state to the large landowners in the San Joaquin Valley, and that may have been a mistake also. It may have been that they'd have gotten hungry enough for water eventually to agree to 160 acre limitation or something similar to that. I'm not sure that corporate agriculture is the greatest thing in the world for the long run protection of land and development of the lives of people. I haven't thought about it in detail for a long time, but I do have a question.

[Interruption]

HICKE Did we finish talking about the water problem? Because I do want to ask you about your run for the senate.

DUNLAP Pretty much, I think, yes.

Race for State Senate, 1960

HICKE OK. So, then in 1960, you did run for the senate.

DUNLAP Yes. I had been active as a Democrat for several years and I think probably all the time I harbored in the back of my unconscious, at least a desire to run for office, partisan office in a major way. But you're not sure the opportunity's going to present itself, and you're not sure that you'll make it if it does, so you don't always face those things. Well, the time does come.

Anyway in 1960 my uncle who was a Republican state senator, retired at age eighty The Democrat who'd been in the state assembly representing Napa and Solano Counties thought he wanted to run for that seat His name was [Assemblyman Samuel] Sam Geddes But he was playing awful cagey about it probably partly because he wanted to make sure my uncle was going to retire I don't know But partly just because that's the kind of a guy he was

I had thought, well, I'll run for the state assembly when he runs for the senate I would run for his seat But he dragged his feet considerably He was slow at making up his mind I also didn't really like the guy too well He was a relatively liberal vote on most issues but his leadership just wasn't there and he was not terribly articulate He was just much too cagey for me, and he didn't answer questions directly and he didn't locally, here in Napa County at least come out and speak for what I thought was the right side of liberal issues, although generally he voted that way He just was being too careful and not in my opinion being a good enough leader

Well, those are part of the reasons Then of course I guess your ego gets involved and you just want to do the best you can

Anyway rather than running for his seat, I got involved because he was slow in making up his mind, and partly because I didn't like him and partly because other people encouraged me "Why don't you run for the senate? The heck with him "

Anyway so I ended up running for the senate against him in the Democratic primary, instead of running for his seat He beat me Napa and Yolo County was the senate district I beat him by 400 votes in Yolo County but he beat me by about 2 500 votes in Napa County There just wasn't any way I could overcome the advantage that he had as a public officeholder and the name identification and so forth that he'd picked up Well I wouldn't say there wasn't any way I could probably do a better job of it now than I could have then because I know a lot more now But I didn't anyway

So that was a political mistake a mistake of timing
[Laughter] I was in the wrong race at the wrong time I might well have been elected to the assembly six years earlier had I done it then On the other hand as I look back on it now I learned something by being beaten, and it was a humbling experience which doesn't hurt You don't like it at the time

HICKE Uncomfortable

Race for State Assembly, 1966

DUNLAP Yes It hurts to be beaten It made it much harder to run when I did run in '66 I mean I had to think about it more, and harder because I knew it hurt to lose On the other hand I was six years older and more mature I don't know what I might have done wrong if I'd gotten in six years earlier, who knows

HICKE What were the circumstances that made it more inviting to run in 66? Or more possible for you?

DUNLAP Well, that was a game of musical chairs An open seat, again What happened was that the state supreme court ordered a reapportionment of the state legislature in accordance with the one man one vote concept New districts were drawn It didn't change the state assembly district at all which was Napa and Solano Counties We had an incumbent state assemblyman who was a lawyer from Napa who had served two terms

HICKE Who was that?

DUNLAP His name was [Assemblyman] Pierce Young But it did create a new and different senatorial district pooling what was known as Solano County and Napa County and Marin County into a district The boundary lines weren't quite on county lines but almost on county lines, and that's a rough description of the district

The senator from Solano County retired, and he was also the owner of the newspaper in Vallejo. He agreed to support our assemblyman from Napa and Solano, whose name was Pierce Young to run for the senate against [Senator John F.] Jack McCarthy, who was the Marin County senator.

So it was Young vs. McCarthy, leaving Young's assembly seat vacant. That's the musical chair into which I jumped. There was, as a result, no incumbent running, and it was a district that was although somewhat conservative Democratic.

[End Tape 2 Side A]

[Begin Tape 2 Side B]

DUNLAP: I ran in the Democratic primary against two other Democrats from Solano County and won, getting about as many votes as both of them put together.

HICKE: How do you account for that strong win?

DUNLAP: Well, it was partly regional in that I carried Napa County rather heavily, about maybe 80 percent of the votes. But I got a lot of votes down there, too. I think I was just a better qualified candidate, better educated, more volunteer political experience. I had a nice, good looking wife and four kids, and we took a good picture together, and looked good on the brochure that we

developed I worked and campaigned hard

HICKE Were there any particular issues that you ran on?

DUNLAP Well, as between the three Democratic candidates probably not I don't think we had any major areas of disagreement One of them was a somewhat conservative guy from Vallejo, and he had a slightly British accent, which didn't do him any good

HICKE Who was it?

DUNLAP Michael Bell He didn't present himself in a way I mean he did fine for him but I don't think he was as appealing as he might have been And the other guy was a nice guy, Victor T (Vic) Martin, but I don't like to say that lawyers are the best candidates because they aren't necessarily and perhaps less so now than they used to be but I was certainly far more articulate than either of these guys

HICKE That certainly helps a lot

DUNLAP And I worked harder I think and knew more I was a little younger

HICKE And you had had a lot of experience

DUNLAP Yes

HICKE OK So that was the primary and then

DUNLAP Yes The general election was even easier I ran against a fellow who had been mayor of the city of Napa and was an automobile

dealer

HICKE What was his name?

DUNLAP George Warner He was seventy years old I don't think any of those being an automobile dealer I don't think really hurt him terribly much but he's not I don't know, one thinks in terms of used car salesman [Laughter] We didn't ever say that but I don't think it helped him a lot There was nothing wrong with him personally, and I don't think he'd been a terribly good mayor but there have been a lot of worse mayors than he had been too

It was a Republican year because I was elected in '66 which is the year that [Governor Ronald] Reagan was elected, and that was a Republican landslide But it was not a close election I only spent about seven or eight thousand dollars in the general election that year I had spent eleven thousand in the primary

Campaign Financing

HICKE How did you raise the money?

DUNLAP Six of it was Janet's and mine in the primary It was probably about all we had in the savings account, as I recall And the rest we raised locally from rummage sales and fund raising dinners, and all that sort of thing It's interesting to think about that and realize how that opportunity wouldn't exist today, from the standpoint of

dollars and cents. When I was defeated in 1978, we raised somewhere around \$300,000. My opponent, I think, had \$350,000, or something like that. That \$300,000 wasn't all net; we had some fund raisers that cost too much. But I probably had \$275,000 to spend, and he probably had \$350,000. So things changed in that period of time.

HICKE: You wouldn't have been able to buy much television time.

DUNLAP: No. We didn't use television to speak of. My senate district was Napa, Solano, Yolo, part of Sacramento and part of Sonoma County. It ran from the city of Santa Rosa to 21st Street in the city of Sacramento. So we were on the fringe of two television areas: the Bay Area and the Sacramento area. We did have television in Sacramento in that election, but I don't think we used it in the Bay Area.

HICKE: This is '78 you're talking about now?

DUNLAP: Yes. No television.

HICKE: In '66.

DUNLAP: No. I didn't use any television until '78.

HICKE: So it was a matter of campaign speeches and shaking hands?

DUNLAP: Yes. Well, my wife and I rang, maybe in the primary, we must have rung about 4,500 doorbells, mostly in Solano.

County because that's the area I wasn't known in. I don't know whether that does much good. It's a humbling experience for the candidate and good physical exercise. And it obviously can't help but get your name around a little bit and I think some people like the fact that you're willing to expose yourself and be there. Practically never does it involve a serious exchange of political views. You learn to structure it yourself so that you can get in and out as fast as you can and cover more territory.

HICKE Did you and your wife go together or did you ring separate bells?

DUNLAP We rang separate bells so we d

HICKE Cover more territory

DUNLAP She d take one side of the street and I'd take another depending on the terrain and what looked appropriate. I did some by myself too when she wasn't with me. But she was with me a lot of the time that year.

HICKE And in the general election were there any issues, or again pretty much you and the Republican candidate?

DUNLAP Yes well, I don't even remember appearing on the same platform with him. I would have been very surprised if I had been defeated that year. I really made a calculated decision not to spend money. We didn't even send a mailer out districtwide, which I had done in

the primary I don't know why I was so cocksure

HICKE Well, your strong primary showing for one thing, probably

DUNLAP That had something to do with it It had to do with the fact that Solano County was heavily Democratic, and that I could have afforded to lose Napa County and still win I didn't, I won them both I probably had a good reason to do what I did at the time, I don't know

HICKE Did your family vote for you? All the Republicans?

DUNLAP Oh

HICKE That's really just an aside

DUNLAP Well of course, I don't know how they voted [Laughter] They said they did My dad was dead at the time, so was my mother I don't know how my uncle voted I think his sister, my aunt, voted for me and said so and told me many times that she didn't go for what I was doing, but she loved me more than she liked my views, or something of the kind

HICKE That's what I was getting at, was whether this was difficult because of the many members of your family that were Republican

DUNLAP No There were some personal difficulties of a minor nature that occurred when I first became a Democrat and became an active one "Good heavens what's your nephew doing? Inviting all these

black people into Napa County?" My aunt, my uncle's sister, was considerably upset by that, and wrote me a letter once and told me about how she didn't think my father would like things like that and so forth. I didn't give her the satisfaction of acknowledging that I had received it. But later she mellowed.

HICKE OK. So you were elected.

DUNLAP Yes.

First Impressions of the Legislature

HICKE And you took your seat, and what was the first thing that happened? What were your first impressions of the legislature?

DUNLAP Well, I guess one gets, you know, you're sort of enamored at being a bigshot, and you like that, and you feel good about it. I remember feeling good about driving under the capitol into the legislative garage and parking the car there, people, some of whom here and there have apparently gone over a photograph that they received, and recognize you and know your name when they haven't seen you, and stuff like that. That's ego inflating.

I suppose the first political event I can remember is Reagan trying to close state hospitals, and when he found he couldn't not all of them, but he was trying to close many, including Napa State Hospital, which is located a couple of miles south of where we are.

right now And just having of course a knee jerk reaction against that because you don't want to close an institution in your own district where several thousand people are employed That being the knee jerk reaction, but then learning more about the issue and recognizing that this was really part of the Reagan plan to de-emphasize government and cut state expenses The mentally ill and relatively disorganized people can't defend themselves very well, although they developed a constituency to represent them through

Some of us in the legislature were more compassionate than others and maybe had institutions in our district as well Plus parents and relatives of people in hospitals

Mental Health Services Governor Reagan's Cuts, Like Minded

Legislators, the Short Doyle Act and the Lanterman Petris Short Act

HICKE You belonged to a couple of mental health societies or associations, the Napa County Mental Health

DUNLAP Yes Actually I had forgotten I had been chairman of the mental health association in Napa County I was also chairman of the advisory board of the Napa County Mental Health Services We had gotten the board of supervisors to put in a what was then called Short Doyle services which was local mental health services, and the board had appointed a local advisory board and I was on that

So I knew something about it and I knew that I was for a community organization of mental health, and taking care of people in communities to the extent that was possible. But I knew that you couldn't close the state hospitals because there wasn't any place for people to go, and there weren't developed local facilities to receive people and treat them.

But he [Reagan] also went farther than trying to close hospitals. He cut down on staff. First, in part, through executive order where that was possible and where not through trying to veto budget items and reduce appropriations for staff.

What had been going on, of course during the latter part of the [Pat] Brown administration, the actual patient population at state hospitals at any one time had gone down.

HICKE Because of the Short Doyle?¹

DUNLAP No. Because of more intensive treatment for them, partly as a result of drug therapy. What did we have, new drugs at the time. Resopin? Thorazine? Things like that. But also because of more intensive treatment of people.

1 S B 244, 1957 Reg Sess, Cal Stat, ch 1989, p 3535

HICKE And so more recovery?

DUNLAP Yes And so although patient population was down and staff was up, that made it look like well "we're wasting our money what are these country clubs?" and so forth that Reagan talked about But in reality, although patient population was down and staff was up, the number of people that were treated each year was way up Because more people were going in and out, and their stay in the state hospital was for a much shorter time So more people were getting treated, and that was through an enriched staff We knew that if you decreased staff then stays there would be longer and then we'd end up going back in the other direction

But he didn't bother to explain all of that and I don't know whether he knew it or not, but he just oversimplified the problem and presented it to the public in this manner That was a major thing that some of us tried to do

HICKE What was your reaction?

DUNLAP My reaction was one of anger and one of real anger at thinking, well, "what kind of a game are we playing here?" As a lawyer I knew that advocates of course, only put the best foot forward and if you had a wooden leg you didn't necessarily tell somebody about it But to deceive the public, and to present facts that led to one

conclusion when you knew that all of the facts would lead to the opposite conclusion really I felt was morally dishonest I didn't think I would do such a thing I don't know whether I ever have or not

Some of us in the legislature were righteously indignant We didn't have a really articulate leader on this issue on a statewide basis There were some that helped and I worked within the district I wrote a weekly column for the paper the Republican paper They continued to run that column, I'll say this for them, for all the time I was in the legislature even when they disagreed with it I got a couple of growls from them once in a while, but I said, 'Look, if you don't want to run it, don't run it but don't try to tell me how to write it ' They bowed [Laughter]

So what did we do about it? We tried to oppose him within the legislature and we tried to educate the public within our limited means and ability to do it I spoke wherever I had the opportunity and passed the word around Within a few months I learned to issue press releases myself, do things like that that tended to counteract that

That's just one example My son and I, in preparing our manuscript came to the conclusion that, although I had ideas on

going to the legislature doing all sorts of progressive things for worthwhile causes, that a good, maybe half of my energy during the first eight years in the legislature was opposing the forces of reaction represented by Reagan and his ilk That's one example

HICKE You said "some of us " Could you elaborate on that?

DUNLAP Well yes Those that I remember talking to that tended to be more close friends and people that I know, I remember [Assemblyman] John Vasconcellos and [Assemblyman] Alan Sieroty and [Assemblyman Robert] Bob Crown Bob Crown at the time was chairman of the Assembly Ways and Means Committee Vasconcellos and Sieroty and I were beginning legislators Bob Crown of course had been there a long time at that time [Assemblyman] John Burton

John Burton, a good many years later maybe six years later, finally got the first override to a Reagan veto through both houses of the legislature which was a bill that prohibited the governor from closing any state hospital without the consent of the legislature

HICKE So that was still an issue six years later?

DUNLAP Yes I'd say six years, and I think that's probably about right

HICKE Did the others engage in the same kind of activity?

DUNLAP Yes And of course, I wasn't in their district, so I don't know, but from talking to them and working with them and sharing ideas I think so

HICKE So everybody was garnering grassroots support

DUNLAP Yes At least a lot of us Those that I mentioned certainly, and I'm sure there were others

HICKE And what was the result? Was it effective?

DUNLAP I'd say we blunted the governor's sword a little bit He still had his way part way on that and other issues

HICKE Well obviously, he didn't close Napa [State Hospital]

DUNLAP No, he didn't close Napa and as far as I know, he may not have closed any hospital Wait a minute Maybe one did get closed but I'm not sure But he was successful in getting staff decreased in some areas some of the time

We had of course, the help also of some of the professionals involved I got information from time to time from the local head of the Napa State Hospital and used it in committees He appeared and testified a couple of times I would say that state hospitals continued to function and did a pretty good job, despite it all

HICKE Would you say this was mostly a partisan issue?

DUNLAP Yes but not 100 percent I think probably I don't remember for

sure but I wouldn't be surprised if the assemblyman from Marin County at the time, [Assemblyman William] Bill Bagley, I think and maybe [Assemblyman] John Veneman who was the assemblyman from Modesto may well have been on our side some of the time. On the other hand we lost a few Democrats too.

HICKE Let me just go back to the Short Doyle¹ Act for a minute. You were in the Napa County Mental Health Services Society.

DUNLAP Napa County Mental Health Association or Mental Health Association of Napa County.

HICKE There were two.

DUNLAP There were two different organizations. The Mental Health Association is like the Cancer Society or the various health organizations totally volunteer organization run for the purpose of partly helping people who are mentally ill, but mostly to promote the idea of mental health. Which, you know, was a relatively new thing in the fifties.

HICKE Was that about the time The Snake Pit [by Mary Jane Ward, 1946] was written?

¹ Short Doyle Community Mental Health Services Act 1957, Cal Stat ch 1989 p 3535

DUNLAP Could be I didn't read that, but I know of it I remember reading about it So then the Short Doyle law was a law passed co authored by Senator [Alan] Short and Assemblyman [Donald Delano] Doyle sometime in the fifties, which said that if the local community wants to institute mental health services, that the state would pay I don't remember 50 percent or 25 percent or a substantial part of the cost of this Just to encourage community mental health programs which involved treatment and public education

As I say we the Napa County Mental Health Association and interested public including some of the more liberal minded doctors in the community I think we also had the Napa County Health Officer on our side I wouldn't say that it involved the medical community as a whole because it was pretty conservative at that time

Anyway we got the board of supervisors to agree to establish this facility in Napa County And the law provided that there be an advisory board of people to assist the director in running the program, the director being a hired physician, to run it The board of supervisors appointed me and I don't know four or five other people to the advisory board That was a sort of an unofficial

position actually, although an appointed one without pay. So it was different and it was a different organization than the Mental Health Association. And the two still exist today in this county.

HICKE: What were the effects of the Short Doyle Act? Did it work?

DUNLAP: Oh, I think it's worked, yes. We've had since then, of course, while I was in the legislature, we passed the Lanterman Petris Short Act¹ which had lots of different effects. One of its effects was to try to build up local treatment facilities as an eventual maybe replacement of state hospitals, so that people could be treated in communities.

It hadn't worked to that extent for a variety of reasons. Probably hasn't because it has been underfunded. Also, because communities haven't accepted mentally ill people sufficiently. And maybe they never will. I don't know. It's hard to consider accepting those whose behavior is so antisocial that they end up hurting other people, so I would assume that some sort of institution like a state hospital has to continue to exist indefinitely as long as there are people who need help, whether it's run by city or county or state.

¹ S B 677, 1967 Reg. Sess., Cal. Stat. ch. 1667, 4074 (Division 5, Part 1).

HICKE Do you see any changes in the treatment of mental health as a result of these laws?

DUNLAP Oh I think we've become more human generally over a long period of time and I don't know how much the laws have been the cause or the effect That's just an old

[End Tape 2 Side B]

[Begin Tape 3 Side A]

HICKE You said that's just a long range

DUNLAP That's just a long range guesstimate I haven't thought about it in detail in a long time so I'm not sure I know I can't back that up with statistical proof or anything like that

HICKE You see people on the street now a lot of those have mental health problems Is that part of the state's responsibility?

DUNLAP Well it's part of society's responsibility to see that they are adequately more than adequately humanely treated I think part of mental health care must involve people living in communities instead of institutions if they're going to get well In the process of doing that, some of them are going to manifest their mental illness in a way that's distasteful for the public So long as nobody gets hurt in the process, and it is only distasteful I don't see anything wrong with that I think people will learn to be more accepting as

time goes by I think that they have, actually But, that doesn't really totally solve the problem

HICKE But you see these, at least the Short Doyle and the other, the Petris

DUNLAP Community mental health programs is what they call them now Short Doyle is kind of a historical word that I use because that's the way it was when it started But most people, if you were to use Short Doyle now, wouldn't know what the heck that was all about

HICKE But anyway, you see these as a step in the right direction?

DUNLAP Oh yes Sure And they're growing I believe they're still growing I'm not in detailed touch with anything right now and haven't been for a long time

HICKE Did we come to the end of your dealings with the state hospital closings in the legislature?

DUNLAP Oh we haven't totally covered it but yes, I think it's good enough for now I don't Yes

[End Tape 3 Side A]

[Session 2, August 18, 1988]

[Begin Tape 4 Side A]

More on Family Background, Sheriff Grandfather Dunlap and Black Bart

HICKE You said that in thinking this over, you had remembered a couple of stories about your grandfather who was the sheriff

DUNLAP Yes My dad's father He was sheriff of Napa County sometime around 1900 My dad was born sometime around 1885 So that I don't know exactly how many terms he served but at least two At that time this story comes to me from my father, obviously I didn't remember it but my dad was in what would be similar to junior high school And a little sensitive about what went on His father was sheriff, and at that time they still had stagecoach robbers

There was a stage that went from Calistoga which is the northernmost city in the county, winding up a circuitous route over Mount St Helena to Middletown in Lake County Calistoga Middletown Stage They had a robber, a stagecoach robber called Black Bart, who I guess was known in other parts of the state but

also here. He used to rob the stage, he and his henchmen.

It happened, I guess two or three times, and the local newspaper, which was of the opposite political persuasion to my grandfather, got on him and kind of rode him. His name was David Dunlap. The robber, Black Bart, would strike and rob the stage, and my grandfather was unable to catch them. [Laughter]

This happened several times, and happened so many times that my grandfather used to get ribbed by the newspaper. And as I said, his name was David Dunlap, and they dubbed him "No Catch 'em Dave." They'd say "Black Bart Strikes Again, No Catch 'em Dave Says They Got Away," "Black Bart Strikes the Stage Again," and "No Catch 'em Dave Says We'll get him next time."

Anyway, my dad got a little sensitive about all this ribbing that took place. So finally one morning my grandfather came home to breakfast about seven o'clock, and had obviously been out on work. He said, "Son, you don't need to worry any more. The stagecoach robber struck, and I got them, and they're in jail. That newspaper will have to give me credit this time, and you can go to school with your head high, don't worry about it."

So my dad went to school with his head high, and found that on this occasion it's true, the newspaper had given my grandfather

credit for capturing the robbers This time, they referred to my grandfather however as "No Catch 'em Dave 'Cept Once "

[Laughter]

I used to tell this story politically myself to appropriate gatherings I used to say "Well, that just shows that in politics, sometimes you never can win " Some of my friends when I was first running for office, I think maybe I told it a few too many times or at least they thought so and they'd say "Oh not No Catch em Dave again" To the point that sometimes they referred to me as "No Catch 'em "

HICKE Was it really Black Bart that he caught?

DUNLAP Well, this story was told to me by my father I can't be sure that it was 100 percent true Maybe he just caught one of Black Bart's people maybe it wasn't the notorious Black Bart himself I don't know

There was another story about my dad's father, my grandfather, and it's an interesting thing that happened He had been, I guess, he was, part professional lawman so to speak, and he had been sheriff of Landers County, Nevada Landers County is located in, I guess, western central Nevada and includes the cities of Battle Mountain and Austin I say cities, they're obviously small

places even now

My brother was traveling to Yellowstone Park one day, and his car broke down in Battle Mountain, and he had to spend a whole day there waiting around. He thought to ask if anybody remembered Dave Dunlap, his grandfather. One old guy said, "Yes, I remember him. He was a great sheriff. SP [Southern Pacific Railway] train when it ran through here wasn't paying its taxes, and Dave Dunlap handled it real well. He just chained the locomotive to the tracks until they paid." And supposedly at least that was a true story in Battle Mountain, Nevada.

HICKE Oh, that's a wonderful story. He must have had a heavy chain.

DUNLAP Yes, I would think so. [Laughter] My wife and I were out in Battle Mountain four or five years ago. We came from Mesa Verde National Park through Utah and into Nevada and were on our way home. I told Janet when I saw the sign 'Landers County' that that was where my grandfather had been sheriff.

She said "Oh, really? Let's stop here." I would have just breezed on through but she said, "No, let's stop and see if we can find anything out." We asked around at Battle Mountain, and this of course being just a few years ago, we didn't find anybody that knew anything about it but they said, "The county seat is changed

now, and is down in Austin not in Battle Mountain "

So we drove ninety miles from Interstate 80 down to Highway 50 where Austin was, and ended up spending just about a whole day reviewing all the newspaper files We went to the county clerk's office and got some information about my grandfather when he had been sheriff there, but we also went over the newspaper files We ran into some interesting things about him

One, he'd had trouble putting somebody away who was looked upon as crazy, like we'd say mentally ill today Apparently Nevada, at that time sent people to the Napa State Hospital, the state of Nevada not having its own, and Napa State Hospital being in existence This would have been in the 1880s, I think before my dad was born

Anyway, it was interesting to read about it and there were several other things that are not clear in my mind right now But it was an interesting diversion Most of the time I haven't worried much or spent much time thinking about family history but that was kind of fun

HICKE You can see why people get so interested in going back all the way generation after generation

DUNLAP Yes

IV COMMITTEE WORK IN STATE ASSEMBLY AND STATE SENATE (1967-78)

Committee Assignments

HICKE Well, thank you I'm glad you recalled those Last time, we got you elected to the assembly, and you had just talked about the first issue that you had to deal with, which was the closing of the state hospitals So I wondered, maybe we should start with some of your committee work here I have noticed that in 1967, which was your first year you were already vice chairman of Agriculture That seems rather unusual

DUNLAP Well no I mean, it sounds it but there were, when I was elected to the legislature thirty four new members The legislature sometimes called the beginning legislators a freshman class There was a large freshman class What had happened was as I think I mentioned the game of musical chairs Well that took place in many areas of the state as a result of a court ordered reapportionment and lots of openings many more than usual Many assemblymen tried to run for the senate, sometimes two assemblymen were placed in the same district, and a new district created without one

The court did this of course by itself, without all of the political considerations that the legislature makes when it reapportions. When the legislature reapportions, they often take very good care of those who are in the legislature at the present time. Sometimes the majority party will throw two of the minority party into the same district, but for the most part incumbents are pretty well taken care of.

Well, the court didn't have all those things in mind, it was just trying to create reasonably sized and shaped districts under the one man, one vote principle. So a major reshuffling took place.

So there were a lot of new assemblymen, almost half, thirty four out of eighty. That being number one. Number two, the vice chairman doesn't have any authority except to preside at meetings when the chairman isn't there. All of the staff reports to the chairman and all of the major decisions, scheduling bills and things like that are made by the chairman. So the vice chairman is largely perfunctory, and many so called freshmen were given this to look good. For one reason, and although I'm being quite frank in telling you about it. I think probably I got out a press release pointing to the fact that I was vice chairman of Agriculture, and all that. But it really wasn't. It just showed nobody hated me enough to deny

me that [Laughter]

HICKE Well, also, I think that somebody saw some significance in putting you in there

Agriculture Committee Environmental Legislation

DUNLAP I guess so Agriculture was not my first choice for a committee assignment But I felt that it was important that I be on it because of the district I represented I learned a lot and it was interesting work As time went on, one of the conflicts or problems that I became involved in, of course, was agricultural labor That was not something that endeared me to people in this district particularly at least a large amount of them Because although we have agricultural laborers, they at least a great many of them are moving transient and don't vote Or if they vote, they're not so likely to even vote where you are

So that as a result of that, one would say that from the standpoint of elections and that type of politics, that view of politics that agriculture was not my strong suit I did, of course become involved in legislation involving the Williamson Act the Land Conservation Act of 1965 and other things like it to help preserve agricultural land to protect it from rampant overdevelopment of residential and commercial, business

subdivisions

HICKE Well maybe this is a good time, you have carried a lot of environmental legislation, and some of it's related to land, I know I wonder if you could tell me a little bit about how you got interested in that and why you took some positions you did

DUNLAP Well, part of it was just coming from Napa County and seeing the county develop being located close to San Francisco where there was lots of pressure for development of a residential nature In other words, the North Bay Thinking that agricultural land is important, and that there needs to be a way to preserve it The value of it keeps being driven higher and higher as a result of the market making it raising the price because of the potential value for the real estate subdivision

This of course brought taxes up and made it unprofitable to farm in some cases At least that's the general idea At the present time of course the cost of vineyard land is so high for vineyards that this isn't all as necessarily true as it used to be But under any circumstances that was an original idea

I don't know when I might have specifically developed an interest in preserving our natural heritage It was long before I was in the legislature, I was a member and have been a member of the

Sierra Club since I guess the early fifties I think probably we originally joined in order to go on a hiking trip family hiking trip, something like that But even then I had an appreciation for the earth as it is and recognized that some of the things that we do to it are not good for it and good for our long run ability to live on it and use it

So as time went on I learned more about it through recognizing the value of the Williamson Act before I was in the legislature, and other things as time went on I just became more and more involved I think it's How you get started on some particular thing you always intellectualize about it and point out the reason That isn't always the reason, sometimes it's in your gut it's just something you feel

I'm sure that that was one of the things that got me started just a feeling that this is important I don't like what's happening and I want to change it I want to see it happen in a way that is better

But we do tend to intellectualize things, and we also have practical reasons why we get involved in particular problems although the underlying spirit may not be intellectual itself And I think perhaps the first, other than working to improve and broaden

the Williamson Act There were several bills that I was involved in doing that Most of them were of a technical nature

I can remember one particular one where it was determined that a member, or somebody who worked for county government, and owned land, and wanted to put that land under the Williamson Act, that there would be a conflict of interest I say worked for county government I mean was on the board of supervisors The board of supervisors of course has to approve Williamson Act contracts, and is in fact a party on one side of the contract representing the county Well if that member of the board of supervisors also owns land you have a conflict of interest The contract might well be considered invalid We had some legal opinions that indicated that

Well, although I could see the potential for evil here in that somebody who maybe didn't ordinarily deserve a Williamson Act contract under the various specifications might fudge a little here and there and be a little pushy as a member of the board of supervisors I felt that on the other hand although I don't always agree with farmers that farmers should not be, because of the possible conflict of interest, prohibited from being on the board of supervisors Because in effect you couldn't be on the board and

have your land in the Williamson Act contract

So I got through a law that made an exemption on the conflict of interest law to permit that with certain safeguards, indicating among other things that the member openly indicated this and that his vote not be counted, or he actually not vote on the issue relative to his specific contract, and that I forget exactly but some other precautions to make sure that he or she did not influence the other board members

I think they were not supposed to participate in the debate, or anything of the kind We made it as tight as we could, but still made it possible That, I think, was important

HICKE What would it mean to have a Williamson Act contract?

DUNLAP Well, it meant basically that your land would be assessed for tax purposes based upon an agricultural use, rather than a commercial or residential subdivision use which its potential would ordinarily provide for its highest and best use in value That's basically it Everything that we start that seems simple and beautiful gets extremely complicated before you get through Almost everything at any rate But that's it That's probably about all that I remember about it right now I did know a lot of details once So that's an example of the type of thing that I was involved in in this regard

HICKE Did this legislation work?

DUNLAP Yes It's helped Of course, we still see lots of wineries in this valley at the present time and of course they obviously do grow grapes On the other hand we see the grape owners and the winery owners sometimes are the same and sometimes they aren't Sometimes you have people that own grapes people and/or corporations which are unfortunately, in my opinion, highly involved now But sometimes they are under the same ownership and sometimes they aren't

But you do see situations where at the present time, the winery owners often called the vintners are gung ho to keep out other business interests but when they want to put in a winery and they want to put in a major area that they're going to cover with asphalt for visitors' parking and things like that oh why that's all right That's an agricultural use

HICKE A little bit of the dog in the manger there

DUNLAP Yes Things are two edged then We do have a real problem The wineries are a necessary part of the agricultural economy as it exists now, although it's unfortunately almost a single crop in this county

HICKE There used to be orchards

DUNLAP Yes I grew up on a prune ranch There were lots of prune

ranches, now, I doubt if there are 100 acres of prunes in the whole county. And even the other major agricultural industry that is sort of on its way out, there was an article in the paper about it just recently, is cattle breeding stock. There had been a lot of that, and they're finding things incompatible. And of course the wineries are bringing in cars in like crazy and tourists in like crazy.

HICKE Trying for a train.

DUNLAP Yes. And that may in the long run do them in. We see the effects on the atmosphere. I can't say this is going to happen, but I have concern that it is, the more and more internal combustion engines, and more and more change in the atmosphere as a result of that. I'm not sure exactly what's going to happen. Some of these things I think we need to think about and handle first, before it happens, but we don't very much. I say "we," I mean the whole body politic.

Joint Committee on Open Space Lands

HICKE Was there other land use legislation that you were involved in? I know there was.

DUNLAP Yes. In my last couple of years in the assembly, I was chairman of the Joint Committee on Open Space Lands. I don't remember exactly what all we did at the time. But they were Williamson Act like things where we broadened the principles of the Williamson Act.

for open space land preservation. It didn't have to be limited strictly to agriculture.

HICKE Parks, and

DUNLAP Yes, among other things, of course, where land was dedicated and used for open space preservation. Among other things, you have both in Napa and Sonoma Counties, what are known as land trusts. These are nonprofit corporations which acquire land and dedicate that land to nondevelopmental purposes. What they do in effect is grant their right to develop the land; a private individual may do this or the organization itself may do this; they grant their right to develop the land as a separate right to a public authority such as the county of Napa, thereby losing their right to develop unless that public authority at a later time decides that it might be

HICKE You mean the owner grants the land, and just sets up a trust?

DUNLAP Yes, in effect. I don't remember exactly the details of how we do that. Once again, I did know a lot more of the technicalities of it [then].

HICKE Did that come under the Open Space Lands Committee?

DUNLAP Yes. We were involved in getting that started. After I got into the senate, I continued to work on that, although the joint committee no longer existed at that time. Joint committees are basically for

the purpose of studies, for the in depth study of a particular problem. Some of them didn't even meet. There were people on them and they had a staff. Mine met a few times because it wanted. You know other people involved, I didn't too much like the idea of just having a joint committee and it being solely the subject of the chairman's opportunity to hire staff and do what he wanted. So we did have a few meetings.

HICKE And the same thing was going on in other areas. I assume? Because that's what the joint committee did, not just in Napa County?

DUNLAP Oh yes. This was statewide. Yes, absolutely. No we had a couple of hearings at the state capitol, one on the Williamson Act itself, actually. Hearings, local boards of supervisors and farm groups and taxpayers' groups thought about it, and how it worked. I remember one hearing in particular. The reaction generally was favorable, but there were various things that they wanted done to improve it.

HICKE What was so memorable about this one hearing?

DUNLAP Oh I don't really remember any details about it frankly except that I think Senator [Peter] Behr and I were most of the hearing officers. We found that hearing members. As I remember in addition to that we had that testimony from the Farm Bureau, from a supervisor from Yolo County. But to a large extent the ideas

expressed were technical improvements and ones that didn't involve major policy. I think if they were, I'd probably remember them now.

I don't know there are other environmental areas, if you're interested in them.

Natural Resources Committee Coastal Legislation, 1968

HICKE Well, we might as well go into that.

DUNLAP There are two others that I can think of that I considered important and maybe three that I might mention. Let's say I'll talk about three quickly. One coastal legislation, two, the fluorocarbon bill (that related of course to the protection of the ozone), and three the California mountain lion.¹

The coastal legislation I got involved in in 1968. My original involvement related to coastal access rather than coastal preservation. They weren't always seen as the same thing.

HICKE Did that have to do with the doctrine of implied dedication?

DUNLAP Well, yes implied dedication in a sense, through subdivisions. This came to my attention as a result of a friend of mine over in Sonoma County. I did not represent any of Sonoma County while I was in

¹ S B 660 1971 Reg Sess, Cal Stat ch 1592, p 3207

the assembly and didn't represent Sonoma County until I was in the senate in '74 or '75 rather, and actually never represented any portion of the coast

HICKE That's why I was wondering

DUNLAP Well, in a sense, of course, sometimes people who are not in an area are freer from the land ownership and developmental pressure in that area than those that are, and that's been one of the problems in the United States Property ownership people like to become involved in making more money and have their property become more valuable

[End Tape 4 Side A]

[Begin Tape 4, Side B]

DUNLAP It takes somebody who is either quite wealthy and doesn't want to get more wealthy or somebody who's really foresighted and thinks of the public and is willing to sacrifice their own financial interest a little to be, in fact, a real conservationist That's one of the reasons that we have a problem with it one of the reasons that sometimes it's necessary to go to a higher level of government to get conservation because the local government is in effect, easily persuaded by the strong financial interests within it You have to go to state government or maybe national government

I understand the opposite is sometimes true in the Soviet Union. There you don't have the property interests involved, and the central government is wanting to see development and production and things like that. The local people want to, on the other hand, keep things nice for themselves, and the pressures are the opposite.

I was reading a book that indicated that Lake Baikal in Siberia was preserved back in the sixties as a result of pressure being put on the central government from the local people and local officials in that area. That was a book written by Farley Mowatt called The Siberians. They had just the same interests we did, and the same battle between developers and conservationists, but it took place in the opposite direction for different reasons. So it was very interesting.

But, to get back to California, Sonoma County in 1968 was about to put through and permit a subdivision of the northern coast, amounting to the last fourteen miles along Highway 1 to the Mendocino County border. In other words, a long area was land under one ownership and you've probably heard of Sea Ranch. It's a major subdivision up there.

The Sea Ranch. I think the organization that owned it may

have been Castle and Cook [Corporation] or something like that wanted to develop this whole area without putting any public roads from Highway 1 to the coast. And you have the people who own Highway 1, we the people, and we the people also own the ocean and all the land below mean high tide, which means, in effect, the beach. Granted that part of that beach is under water part of the time and at high tide it's all under water, but we still own that. That's an area that we like to play in, and it's a major recreation and food source area at times. But recreational mostly.

So it would seem reasonable that if the cities, when they let somebody put in a subdivision, will sometimes require that they put in a tot lot or a small playground, or will require that a cul de sac street be put in, so that that street can later join with another street as various things are going, but in the public interest they require the subdivider to do things like this. It would seem that the very least that the county should require is that the highway be joined for public benefit with the beach, so that the people can get from the highway, which they own, to the beach, which they own. When you're having a subdivision of fourteen miles long, why somewhere along the line there ought to be some public access. This was about to be approved without any public access along that whole fourteen

miles and so I introduced a bill

HICKE Who was it in Sonoma County that brought this to your attention?

DUNLAP A fellow by the name of [William] Bill Kortum Bill is a public spirited individual over there, a veterinarian His father had run for Congress he was, for a short time, on the board of supervisors, and just a really public spirited conservation and gut level public interest type fellow

Anyway he called it to my attention and I introduced a bill I saw him at a Democratic meeting at one time or another, just really met him by chance We were talking, and he told me about the problem I thought "Well I don't know for sure whether I can do anything about it " But I introduced a bill which said that when you had a subdivision along the coast of California connecting Highway 1 with the coast that the county or city depending on who the authority was, would be required to require reasonable access within the subdivision plan I didn't define reasonable access Oh I think the bill went through several stages At one time I may have said that reasonable access had to be no less than one mile or once every mile or once every three miles, or various things like that We played along with different ideas

The first year 1968 the land developers got on the bill and it

was killed in the first committee. There were major subdivisions in Orange County: the Laguna Niguel Corporation, and of course the Sea Ranch, and California Real Estate Association, and I think also the Farm Bureau and the cattlemen who represented people who owned a lot of land. All of these interests, which were very, very strong and powerful, did us in, and we didn't get out of the first committee period. [Laughter] I think that was maybe the Natural Resources Committee which I happened to be on that year. Yes.

So I was a little naive in thinking that I could do anything, but as I said, I wasn't sure. But it seemed to me so right, and I did have a few allies. The lobbyist for the League of California Cities, the head lobbyist, was one fellow lobbyist, some are good and some aren't, but this guy was really public spirited. His name was Richard Carpenter. He was, I think, the executive director or president of the League. He was with me. So we talked about it, and thought it was worth trying again.

Finally, in '69 I got the bill out of committee, through the assembly, and it was killed in the senate committee. I forget what committee it was sent to in the senate, but it didn't get very far or do very well. Finally we tried again in 1970 and we got the bill all the way through. I got one of, even one of Reagan's men, William

Penn Mott who was at that time director of Parks and Recreation, I think was the name of the department I got him so that he was for it himself, but he had his hands a little bit tied Somebody in the administration somewhere was not letting him help me as much as I think he would have liked to, but we managed to get it through It was a tough fight all the way, however

HICKE Was this A B 730?

DUNLAP Nine fourteen strikes in my mind But because the bill was introduced several years in a row, I don't really remember which one I can look it up and find out

HICKE I have an article here that's talking about A B 730

DUNLAP What year?

HICKE This is 1970, it was sponsored by you and Sieroty and [Assemblyman Edwin L] Z'berg

DUNLAP Yes Well Sieroty and Z berg were co authors with me on it

HICKE It says the central issue at stake is how far the state can go in preempting traditional powers of local government to regulate land use

DUNLAP Yes Basically, we were telling local government that they were not adequately protecting the public interest and that they should do so Some of them swallowed hard and didn't like it they weren't always

as enlightened as Richard Carpenter Sonoma County obviously
didn't like it

HICKE It also says

DUNLAP It may well have been 730, I don't know ¹

HICKE "the opposition of local government to these bills has been led
by the League of California Cities "

DUNLAP It wasn't that last year I don't believe that they were opposing it
that year

HICKE This is an article from the California Journal on you

DUNLAP Well I have respect for the California Journal or did when I was in
the legislature and they ordinarily would be right on most things
But I don't think the league was opposed the last year

HICKE It may be they're talking about the opposition to the opposition or
something like that

¹ [Footnote added by Dunlap] The confusion here is that A B 730
was not my coastal access bill Alan Sieroty and I along with Ed Z'Berg and
some others also authored a major coastal bill creating the California Coastal
Commission It was opposed by local government and Carpenter It was
defeated in the assembly or senate 1970, '71, and '72, and in 1972 we helped
organize the California Coastal Alliance and qualified and passed an initiative to
end run the special interests in the California Legislature See below

DUNLAP Yes I'd have to go back and check it out but my memory right now is that Carpenter saw the light, and the last year I don't remember just exactly where the league was But I'm sure they didn't oppose it We got it on the floor of the senate the final year during the last few weeks of session, it was defeated We got a reconsideration We finally got it through with twenty two votes So that it was a toughie And even after that, we were afraid the governor might veto it, and we had people from all around the state writing letters

HICKE So it was actually passed in 1970?

DUNLAP Yes It was a toughie in many respects, because of course some conservationists tend to be elitist they think in terms of preserving things just to preserve them for maybe the few wealthy people who have a chance to see them or who own a few miles of the coast of California That just wasn't where my gut was and isn't where my head is either as I worked the two together

But the first year or two that we had it in, the Sierra Club didn't oppose it, but we didn't have their wholehearted support by any means Some of them owned land in the Sea Ranch And you know, I don't oppose the Sea Ranch as such Incidentally the Sea Ranch beat us and got their approval through before the bill went

into effect, so their plan went into effect just exactly as they wanted it without any effect of us

However, a couple of years ago, they sought to amend their plans, and the law was deemed applicable. So they now, I believe, have three points of access to the public within it. It's interesting, that happened just a few years ago and my daughter happens to be a lawyer and works part time for the county counsel's office in Sonoma County. She was involved at that time in working for the county on this issue and it was kind of fun for both of us to recognize that

That was a big battle, as far as I was concerned, and it was an important one

HICKE What that did, then, was require developers to actually leave a strip of access to the public every so often?

DUNLAP Yes. In other words, the county should have a duty to determine what was reasonable access in view of all circumstances. We had one subdivision up the coast in Mendocino County where reasonable access was determined to be only a place to park and view. And that was all right.

HICKE That was the county's [decision]?

DUNLAP Yes. They resisted that. The developer even resisted that, and tried

to create the subdivision so that the last foot along the coast was not included within the subdivision, so that it couldn't be said to be coastal property. And that went clear to the supreme court and they said that was an obvious subterfuge and they couldn't get away with it. The board there had this is the one that the board had said that the only reasonable access in this case is the parking viewing area. That was because it was a cliff and wouldn't have been reasonable to have expected anything but that. Oh, I suppose in the future someone might put a little ladder down there or something. But it is OK.

Coastal Conservation 1971, 1972

DUNLAP I think that fairly well exhausts that. I think mechanically that when we finally got through the coastal conservation legislation through what was it Proposition 2 in 1972 that the access provisions got incorporated in it so that I think they are, and they're now used, of course, by the Coastal Commission, as well as local government.

I was involved in the Coastal Conservation measure. I guess as early as 1970. Assemblyman Alan Sieroty and I introduced bills for comprehensive coastal conservation, setting up a Coastal Conservation Commission, or I guess actually we called it

Conservation and Development Commission And we did that Alan was the lead author, but he and I worked together on it As a matter of fact, when we first introduced the bill I guess in 1970, why we held press conferences in San Diego, Los Angeles, Santa Barbara, San Francisco, and Santa Rosa all in one day No, not one day over a period of two days We started one morning in San Diego and then about noon were in Los Angeles and that evening in Santa Barbara, and we hit San Francisco and Santa Rosa the next day

That was kind of exciting We had similar problems to what I'd had in coastal access and actually got the bill out of the assembly Incidentally, we had strong conservation support for that from the very start

HICKE Is this 1971?

DUNLAP Probably '71 when it was first introduced

HICKE A B 1471?

DUNLAP Yes Anyway we got it through the assembly two years and it was defeated in the senate Finally we ran an end run around the legislative process and created the Coastal Alliance It I believe,

was Proposition 20 in 1972¹ It was successful and adopted by the people The property interests and strength and so forth in the senate are just too strong for us Neither one of us were in the senate at the time

HICKE Senator [John] Nejedly was helping you up there?

Working with Co authors Sieroty and Z'berg

DUNLAP Yes Senator Nejedly, as a matter of fact carried on the floor of the senate for me the coastal access bill in 1970 He was very cooperative with us Senator Nejedly, Senator Behr, Senator [Anthony] Beilenson were three of them And there were others, we had a lot of friends but not enough

HICKE Again was property development interest against?

DUNLAP Yes I'll try to remember Alan did more of the work on that of course than I did, because he was the lead author Normally the lead author is the primary author of the bill and the co authors really do nothing, they just have their name on it Alan Sieroty, on the other hand and I worked very carefully together, closely, on

1 California Coastal Zone Conservation Act of 1972 Submitted by Initiative 20 and approved by the electors November 7, 1972 An act to repeal and add Division 18 (commencing with Section 27000) of the Public Resources Code and to add and repeal Section 11528.2 of the Business and Professions Code

conservation and tax reform legislation. In several areas we were much more of a team than a co author ordinarily would be. Both he co authoring some of my bills and my co authoring some of his

HICKE How did that relationship come about?

DUNLAP Well, we knew each other a little bit before I was in the legislature, in that both of us were directors of the California Democratic Council CDC and served on the board together. So we knew each other a little. We thought alike on most everything. I would have to think real hard to find an area where we actually disagreed on something. I'm sure there was

We both were of a similar method of operation. Neither one of us were terribly flamboyant and some are so that we were able to sit down at hearings together and present bills, such as coastal conservation and tax reform and complement each other rather than go in the opposite direction. One reason co authorship in a real team sense of the word seldom really exists is that "legislative ego" gets involved. You know, we're all out to obtain glory, nothing else

HICKE Maybe not even ego, but the necessity to show your folks back home

DUNLAP Well, it works both ways. Partly your wanting to show yourself off to advantage as a leader so that your constituents will reelect you

and think well of you, but partly you just like praise. It's getting good newspaper publicity, like your father saying "Good job, son."

HICKE: Everybody likes that, not just legislators. [Laughter]

DUNLAP: There's that feeling too. And you want the praise and esteem of your colleagues as well. All those things get involved in it.

Alan came from a district which didn't require much great satisfaction of his constituents, in other words it was a good pretty liberal Democratic district, that his views were quite consistent with, and so that wasn't a problem. He also was a very broad individual who didn't have ego problems the way many others did. And I say ego problems you have to have some ego to get involved in politics. It's too professionally risky and too personally hurtful. So you have to have quite a bit of it to get involved, but some people have more than others, and more than I think is individually becoming. He didn't. Although I think I probably had more ego involved than he did. I recognized that getting something done was more important and I sat on myself some of the time. [Laughter]

So, for those reasons thinking alike having similar methods of operations and similar styles, and both being able to some extent recognize that what we were doing was more important than credit why we managed to do pretty well.

HICKE And then Ed Z berg was in on the other ones with

DUNLAP Yes Ed was more of a traditional co author in other words, he wasn't as involved in the detailed planning Although we did Some of Ed's committee staff worked with us and helped us and he did make them available He was chairman of the assembly Natural Resources Committee during most of the time we're talking about A couple of years there he wasn't, because the Republicans were controlling the legislature and they had a Republican chairman The Republicans were in control of the assembly in what was it? '69 and '70

HICKE Well the purpose then of having a co author is just to show more support?

DUNLAP Yes Sure Some bills in order to pave the way for it you go around and you may get almost a majority of one of the houses as co authors And that wasn't true in this case most of our bills would not have been the kind that were so noncontroversial that we could get that many co authors but occasionally that was true

HICKE What kind of preparation did you make in the way of well let's say political preparation? Did you talk to other members of the assembly and tell them you were working on this and would they support this?

DUNLAP Oh, yes With regard to the coastal conservation legislation, say, before we introduced that, we held a meeting down at our house here in Napa, actually I guess it must have been Well Alan Sieroty and I were the only legislators but Bill Kortum whom I mentioned from Sonoma County was here Several people from the Sierra Club a lady by the name of Janet Adams, who worked finally was head of the Coastal Coalition and a great environmental lobbyist, helped us And then we talked to organizations to get their support, or tried to, before we went in Occasionally we'd talk to people that we knew were on the other side to try to find out dull their sword if we could Maybe try to learn whether there were some things that would be objectionable to the bill which weren't vitally important that we could change

HICKE Was it effective talking to various people?

DUNLAP Well I don't remember exactly It is a good thing to do

HICKE But you don't recall any dramatic turnarounds

DUNLAP Number one, psychologically it makes it harder for them to say, "Well good heavens look at what you're doing! I never heard of such a thing" They can't say that any more At least if they do they can't say it honestly [Laughter] It's a good thing to do It never hurts, unless there's an element of surprise that for some

reason you don't want to give up. Ordinarily, that's not true.

You're not going to really surprise anybody usually.

I suppose I should. Let's see. I said I was going to talk about three or four environmental things. I've talked about the coastal access and coastal conservation. When I was in the senate, I guess I don't remember the exact years, but it took two or three years to get it through. My first year in the senate was 1975. So I was there '75, '76, '77, and '78. I think that the fluorocarbon bill passed in 1977, as I remember.

Doctrine of Implied Dedication

HICKE: Maybe before we move off the Coastal Commission, there was some controversy about the implied doctrine, the doctrine of implied dedication, or do you not recall that?

DUNLAP: I don't remember. That probably is involved with the Coastal Commission itself. I'm not just sure.

HICKE: It's the implied dedication, a common law doctrine according to which the public under certain circumstances may gain the right to use private property. And again, I've got an article here from the California Journal, and you sponsored in 1970 AB 493¹ which

1 1970 Cal Stat ch 1308 p 2434

provides that no Well maybe this is the one we've been talking about It is

DUNLAP Yes Actually of course, I think implied dedication may have been the common law term whereby some type of dedication was implied Really we weren't seeking an implied dedication, we were asking the boards of supervisors and city councils as they approved coastal subdivisions to plain require it So my guess is the reason they used the word implied dedication there probably is that it amounts to an amplification of that common law doctrine That's the only reason I can think about it

HICKE Yes But you also had a couple of other bills, A B 2132 extends the period in which dedication of public access routes must be accepted by a city or county

DUNLAP Oh, yes Well, when we first got the bill through, what the county does in approving a subdivision is

[End Tape 4 Side B]

[Begin Tape 5 Side A]

HICKE You have to offer this for

DUNLAP For dedication this public right to go through On the other hand, if the county doesn't accept it for dedication within a reasonable time, then the dedication would be null and void I think because

of adverse pressure, when we first put the bill in we may have been limited to something like three years for the acceptance of that, and it would appear probably that I was seeking to increase that time from three to five years or something like that

HICKE Then there was A B 2133 extending the provisions to mobile home parks

DUNLAP I suppose the subdivision of mobile home park as well as a regular subdivision, yes, I'm sure I probably did that

HICKE And then also A B 2134 extends the provisions to parcels of land larger than forty acres, not covered by that

DUNLAP OK, probably yes I suppose we had limited it to small subdivisions or the traditional type subdivisions As time went on of course, where you had thousands of acres, it must have become appropriate to have it applied to large subdivisions as well, or subdivisions of large parcels

HICKE So I guess what I'm getting at is that you kept carrying various

DUNLAP Yes, this is a follow through And that's often the case with regard to much legislation You try to get the broad principle through first, and sometimes you don't anticipate all the details Sometimes you do but you don't want to clutter the original idea, and you know you're going to have to follow through

Fluorocarbon Legislation

HICKE OK Let me just see if I've got anything else here on my list Well I guess not, and I'm sorry I interrupted you on the fluorocarbon, but let's go to that

DUNLAP Yes Well, the fluorocarbon is not quite such a large story [Laughter] Although, you know, successful important legislation often is a long story

HICKE Usually, I would think at least more often than not

DUNLAP Yes Well, these days like 1988 the threat to the ozone layer is commonly accepted An awful lot of people who are environmentally conscious at all are aware of it We have television programs Back in the mid or early seventies, this wasn't true Professor [Sherwood] Sherry Roland and [] Molina of UC [University of California] Irvine had just done initial studies and determined that the ozone layer was depleting, and that this was probably caused at least in part by fluorocarbon chloro fluorocarbon compounds, which were manufactured and used principally for refrigeration and for propellants in aerosol cans, like hairspray and whatever other products one might have in mind

These products were used in refrigeration and in aerosol cans because at sea level or within the normal range of where people

were living on the earth in other words, within a mile or less than a mile, within the first half mile of the earth's atmosphere these products are stable compounds and they don't change So you can use them as a propellant and they won't mix with whatever's being propelled As they are compressed, they will drive the hairspray or Right Guard or Pam or whatever you have in mind, into the atmosphere and not mix with it I'm not sure exactly what the property is that makes them good for refrigerating use, but it may be similar that they're stable

However, what happens they get into the atmosphere, the atmosphere of course has winds and currents and the jet stream up high and various things, and they get kicked around Eventually some of the chloro fluorocarbons get up high in the atmosphere where they're exposed to stronger ultraviolet rays than filter through down here That causes a breakdown in chemical of the chloro fluorocarbon and chlorine ions become free up there Those chlorine ions interreact with the ozone which is I think, O_2 , a particular type of oxygen molecule This causes a breakdown in the ozone In other words, the chlorine and the oxygen mix in a way, and there is less ozone This is continually breaking down and building up anyway, but this hastens the breakdown

So, as a result of this why you have a depletion in the actual amount of ozone Well, ozone's important Down here we don't like ozone, it's part of the photochemical smog, and toxic, but up there, it has a screening effect and screens out a large part of the ultraviolet rays so they don't get down here to earth If they got down here to earth much more than they do and to the extent that they've got down here to earth they have all sorts of terrible consequences increase in skin cancer of a major amount including melanoma which we know to be a rather disastrous type of skin cancer that has a high death rate

But probably potentially much worse than that in the long run is their effect on minute animal life, like plankton which are basically unpigmented, are in the top layers of the ocean, are the basic food supply from which many many other things come and maybe everything One of the reasons that evolution from the plankton and so forth was able to take place was because of the ozone screen in the first place So that potentially, it is almost as bad or maybe even worse than the atomic bomb as far as the existence of life on this earth it's a very serious problem

Well Professor Roland saw the potential of that and besides being a great chemist and scientist, he also happened to be a pretty

good communicator. One of my assistants read of all of this and told me about it and we thought well, we'd better try to do something about it. So we put in a bill to

HICKE You just read about it in the paper and that started it?

DUNLAP Yes. Well, that's how we started, yes. I don't remember what, whether we read about it in an environmental or scientific column or what. I forget whether we called him on the phone or talked to him or wrote him. Anyway, we started communication with him, and we put in a bill in, I guess, 1975, the first one. I don't remember, it could have been '76.

HICKE I have January 26, 1975, you proposed a three year moratorium on manufacture and sale in California of devices emitting fluorocarbons.

DUNLAP Yes, OK. So it was in my first month in the senate, actually. As far as I know, we were the first bill in the United States. We didn't get through until 1977. That bill, the first one, was defeated. The chemical industry has an organization called MCA, Manufacturing Chemists Association. That was a powerful lobby, and it included not just MCA but Du Pont [E. I. du Pont de Nemours and Company] and I'm trying to remember who some of the others. Chevron Chemical [Corporation].

HICKE So they were opposing this.

DUNLAP Oh, yes And they were strong and stronger than we were We worked on it, and we got all sorts of arguments one that this shouldn't be a state law, if it was going to be any kind of a law it should be a federal law Incidentally, that's an argument that you still see that going on I answered then, as I would now with regard to a similar problem, "Yes, it should be a federal law, but waiting for Congress to act sometimes takes years and sometimes the reason Congress acts is that various states have already acted and shown the way "

The main argument came however from the chemists saying that this hasn't been proven, that this was just a wild theory of a couple of professors at UC Irvine Roland we had up for our hearings and he was a very good witness and very articulate, scientifically extremely well versed And was familiar with all sorts of other studies that had been done by people He wasn't the only one, although he was the first one to call attention to it in any way that reached most people, and to recognize the potential disaster

Anyway we finally reintroduced the bill again the following two years In other words this was during the time when bills lasted two years, you had two years to get them through In '77, the bill did pass and was signed I forget what compromises we

may have made I think we had one that allowed it still to be used in certain medical instruments or precision machinery, the certain type that propelled a certain type of lubricant that was extremely important, and a couple of little things like that but it basically took care of 95 percent of the production

And of course that was all I felt that we could do at the time That's by no means It was a major step Incidentally by the time our bill finally got through in '77 I think two or three other states had actually passed legislation So although I think I was the first to introduce a bill I believe Oregon which has always been one of the leaders in environmental legislation, got one through, and I think a midwestern state, I'm not just sure what the others were Oregon is one of the environmental leaders in legislation with the possible exception of the Douglas fir industry which calls more shots in Oregon That's another example of what I was talking about about the fact that local people aren't always the ones to protect the environment

HICKE But you actually were the first one on this, and then everybody else hopped on the bandwagon

DUNLAP Well, yes They may not have read about my bill, they may have been aware of the same sources of information We were pleased

that we'd really been a leader and on the cutting edge in this

Sometimes it's more important to start something than it is to finish

it You like to finish it too but some ideas you have later

somebody else might finally get the bill through, but at least you

know you've contributed to public thought

Aside on Divestment from South Africa

DUNLAP I introduced some bills that haven't gotten through yet I'll deviate just momentarily, I introduced when I was still in the assembly I guess '73 and '74, maybe '72 '73 and '74 bills relative to South Africa and prohibition of public investments in corporations highly involved in South Africa, requiring divestment and requiring at least action within the corporation that the public happened to own stock relative to University of California has finally gotten around to doing something about that, what was it last year or the year before? We I say "we" one of my assistants who worked a lot in that field and I a guy by the name of John Harrington, who now is in the investment business working or trying to work in the field of conscientious investments from the standpoint of things that are socially beneficial rather than detrimental

Anyway, he and I worked in this area way back then We had a singular lack of success but we felt that at least we were

educating the public to the fact that this was something that you could be involved in

HICKE Since we're on that, as a graduate of Hastings which is part of the UC system actually was that a problem? Or did that give you any more leverage? Or was that involved at all?

DUNLAP It wasn't involved very much I don't think I was a graduate of Hastings and graduate of UC Berkeley, of course But it's a big state university I don't owe them any allegiance [Laughter]

HICKE You weren't active as an alum or anything like that

DUNLAP Oh no I have never been an active alumnus I had too many other things to do I still go to the Big Game

HICKE Along with a lot of other people

DUNLAP Once a year I'm a sophomore again, but no I didn't feel that The university is so big that there are many things that one might have allegiance to that are not quite the same I remember, as a matter of fact getting darned mad at one point [Laughter] We were presenting one of our bills relative to the conscientious investment theory to the Assembly Ways and Means Committee and the treasurer of the university, who was obviously an employee of the regents, was testifying for the regents against the bill And I think this was a relatively simple bill that merely required that the

university undertake active steps to vote its stock appropriately

HICKE There was something about the proxy vote

DUNLAP Yes And not just blanket go along with management and give proxies, and I said, 'Good citizenship requires that the university be conscientious in voting its stock in a reasonable way' And this treasurer said "Well, we think that it's our duty to be good corporate citizens," or something like that I seldom lost my cool but I really got mad when he said that I say I seldom lost my cool, I don't know whether I did or not I tried not to make it visible if I did

HICKE This is another good article in the California Journal, and there's actually a picture of you along with it A drawing, I guess a sketch

DUNLAP Yes Well, I looked something like that before I grew a beard
[Laughter] Yes Well we got all sorts of opposition I think even from the public employees and legislative retirement fund Of course I'm a beneficiary of it at the present time

HICKE The [State] Public Employees Retirement [System] fund and then the legislative

DUNLAP The Legislators Retirement Fund, both of which cooperate together in their administration Yes, I remember, I see Assemblyman [John] Knox here He was one that was not very helpful John was a

good liberal Democrat in many respects, but he also had an ear that was more open to corporate problems than I did. I'm sure he performed some very worthwhile services but we found ourselves disagreeing in some areas, which is not unusual, of course.

HICKE Right. How did you actually go about trying to get this passed?

DUNLAP Well, I think we pretty much knew it wasn't going to pass. My assistant probably knew that less than I did. We had hearings, as I said, before the Assembly Ways and Means Committee. I remember we brought some people in to call attention to the serious problems of apartheid in South Africa. We had a fellow who was from South Africa, an expatriate, somebody who was, in effect, I guess had fled. He had been a leader there. People weren't then aware of the problems in South Africa, of course.

There were also some religious organizations, I forget their name. Ecumenical Society or something like that, that were involved in supporting us. I don't remember whether it was any particular church or a coalition of churches that had developed and put out pamphlets relative to what were good investments for people to make that did not have detrimental objectives in mind from either an environmentally or socially responsible standpoint.

We got some people in organized labor a little interested some

of the time They saw this as a way of investing in things which would produce jobs in California, obviously as opposed to South Africa and various things like that So that we weren't without some support, but it wasn't very strong

HICKE And so mainly it was just a question of getting it out in the open, kind of? And then did you keep trying, or did you

Select Committee on Economic Priorities and Objectives

DUNLAP In the senate I later got a special committee select committee it was called which had a function similar to the joint committee in that it was a study committee That was the I don't know Select Committee on Economic Priorities and Objectives, or something like that I forget

HICKE Select Committee on Investment Priorities and Objectives

DUNLAP That probably was it, yes We got involved in studying various things there That was in existence the last year or so that I was in the senate It was hard to get the committee created As a matter of fact, I think it was only in existence for about a year, year and a half We hadn't really turned out any major legislation although certainly none that was successful

[We] did introduce a bill to produce a state bank to create a state bank and this was looked upon as terrible far out socialist

type legislation that was going to ruin the state of California. At least that's what the Bank of America and Wells Fargo [Bank] told all its local managers and the local managers told everybody when I was running for reelection in 1978. It was not an advantageous political move from the standpoint of getting elected.

HICKE I've got an article on that, too.

DUNLAP That's an idea whose time has not yet come, even today.

HICKE That's not going to go anywhere either?

DUNLAP No.

HICKE The first column goes onto the second page and then you have to go up to the second part, and it's hard to read. [Showing article]

DUNLAP Yes. We had darn few people that were in support of that. We brought, however, to testify at one study committee a fellow by the name of Thorndike who was the head of the state bank of North Dakota. I think North Dakota was the only area that had a state bank, and they had one since the early 1930s.

HICKE Is that right?

DUNLAP Yes. It had come in during the Depression to help agriculture and to combat a takeover of agriculture by corporate interests, trying to preserve the so-called individual owned farm and was very successful in North Dakota. Obviously it's still in existence today.

so that On the other hand, North Dakota is a relatively undeveloped state and particularly so in the 1930s California in 1978 [and North Dakota in the 1930s] were two vastly different things

HICKE What were the pros and cons of that?

DUNLAP Well we felt that traditional banks were not making loans to the little guys sufficiently There were agricultural co ops down in the Salinas Valley, I remember somebody testifying how they had been unable to obtain loans from traditional sources, and some of them had died as a result In other words, they had failed to make it Others had found private sources, people who were willing to risk and were more philanthropic than the average traditional bank, and as a result had made it, had paid their loans back and were successful So that we felt that banks were not taking good care of the person who was at the opposite end of the ladder from where they stood

 What you've got of course, is that the more you need money the more that they're going to charge you for it And the harder it's going to be to get a loan That's natural supply and demand, an outshoot of the law of supply and demand Well that's OK if you're thinking solely in terms of the profit motive But if you're thinking

of the long run benefit of society, the profit motive doesn't always work in the same manner. We were seeking to provide other opportunities. That was our main argument. The opposition was quite traditional of course.

HICKE: Once again, how did that get started? How did you get started on that?

DUNLAP: I don't know. I suppose John Harrington may have had the original idea although I'm not sure. We worked before we introduced the bill, we had Congressman [H] Jerry Voorhis who was a congressman from, oh, Compton I guess and down around there in southern California way back when. As a matter of fact, he was originally defeated by [President] Richard Nixon. He had worked studying the idea of the state bank, and/or national bank and public financing in one way or another, private enterprises and the advantages that the public might get as a result of that. He'd done some work in that regard.

I knew the former governor, [Edmund G] Pat Brown. Somehow, through Pat Brown, John Harrington and I met with Jerry Voorhis and Pat Brown for breakfast down at a hotel near the L A airport and spent three or four hours with him. Very very great guy, a great loss to see him having left congress, not only

from the standpoint of the disadvantage of the person who replaced him, Nixon, but from a positive advantage of his being no longer there

But anyhow that was part of it We also worked with

[End Tape 5, Side A]

[Begin Tape 5 Side B]

HICKE You also worked with Tom

DUNLAP With [Assemblyman] Tom Hayden, who at the time of course was not a member of the assembly but had as his main instrument the Committee for Economic Democracy, CED, which was working on things like this and got some research from people in CED who supported us and the idea I think some of the Democratic Club also supported the idea, some of the liberal Democratic Club There was an organization I think in Sacramento known as the Democratic Socialist Club, or something like that It was a liberal minded organization I remember attending one of their meetings and meeting [Author] Michael Harrington, perhaps you've heard of

HICKE Yes

DUNLAP So all those were idea people and people who supported us I think Tom Hayden testified in favor of one of our bills But they weren't people that had much power at the time, and we didn't get

very far And if I d stayed with it and been in the legislature for ten more years, we still might not have Frankly, from the direction that things have taken in the last ten years, I doubt that we would have I might have given it up [Laughter]

HICKE Well I certainly think there must be some value in opening up the discussion and publicizing the problem

DUNLAP Sure And this is one that so far hasn't taken The South African thing has and that's produced and the many others have But that one hasn't

More Environmental Legislation Mountain Lions, Suisun Marsh,
Offshore Oil Drilling

DUNLAP The environmental legislation I think probably we ought to go back to that and wind it up Let's see I said we'd talk about coastal access, coastal conservation, fluorocarbons

HICKE And the mountain lions

DUNLAP Oh the mountain lions Yes the mountain lion bill was kind of a thrill because of our publicity gimmick I forget when I introduced it, maybe 1971 I think I'm not sure There was a bill to protect the California mountain lion¹ The California mountain lion way back

1 1971 Cal Stat ch 1592, p 3207

when, of course, had been a bounty animal. Trappers had been paid for shooting and destroying the mountain lion, and had gotten fifty or a hundred or two hundred dollars for every lion they brought in. In a sense maybe that was a socially understandable thing at least to do then because we were developing the state and we wanted to make it more safe, and there were lots of lions and not so many people.

Well, as time went on obviously the people were winning and the lion was losing. [Laughter] I saw the danger of it as an endangered species. We decided that we should take it off the sport shooting animal, so that it would no longer be subject to hunters. Hunters couldn't go out and shoot mountain lions, there wouldn't be a mountain lion season anymore. And basically, that was the purpose of the bill to prohibit sport shooting of the California mountain lion. It was a relatively simple bill and it was one that never did get too complicated.

Anyway we introduced the bill and in order to dramatize it my assistant at the time. We were working with a coalition of people who were in the conservation field somebody from the Audubon Society I believe Margaret Owings who's a pretty well

known conservationist, and a couple of others. My assistant¹ was at a meeting down in Berkeley or Oakland and there was a fellow there who had two mountain lions that had been raised in captivity. They were actually in the house with the group as it met.

He conceived of the idea that, "Well, why don't we get these mountain lions and have them with John at the press conference announcing the introduction of the bill and that will give us a lot of publicity?" Well, he told me about it, what did I think about it? I saw it initially as kind of a risky, grandstanding thing to do. I said, "No, I don't think I want to do that. The bill's not that important, we're just trying to save one mountain lion. I don't want to be a laughingstock." Anyway, he kept talking and pushing.

HICKE: You mean it was risky politically.

DUNLAP: Yes. It was overdoing it. He kept talking, and I finally sort of—I had an inner feeling that I wanted to do it, because it was kind of a fun thing to do, nobody had ever done anything really like it that I knew of, anyway. And so my gut was telling me to do it and I finally sort of rationalized the idea. "Well, OK, I'm going to

1 [Footnote added by Dunlap] This assistant was [Michael] Mike Gage, later an assemblyman for two terms and now mayor Tom Bradley's deputy and righthand man. Gage was born with strong political instincts.

introduce this bill, but I'm not going to just talk about the mountain lions. When I do it, I'm going to give a larger message that calls attention to the fact and makes the mountain lion a symbol for conservation in general.'

With that objective in mind, I talked myself into it and we did it. We got these two mountain lions and [Dunlap's Assistant Michael Gage] Mike arranged to bring them up through the members' elevator from the basement of the capitol. He managed to talk the safety patrol and other people up there into the idea that it wasn't going to hurt anybody, and that the lions would be OK.

So, we did it, and they came up through the elevator. I remember the elevator operator in the members' elevator for years after that referred to me as the man with the cats. [Laughter] Anyway, we got the press conference room called the Governor's Press Conference Room which is on the first floor of the capitol. There's another little room to the right of it, and the press conference was all set up, I guess, for ten o'clock in the morning, or something like that.

I went down there and looked in the little room to the side where the lions were and the keeper was there. And you know, they were big. They probably weren't as big as lions raised in the

wild would have been, because they didn't quite get the activity, but they were big and I was a little scared when I saw them

HICKE Understandably so

DUNLAP So I said, "Well, bring them in I sat down at the table and one lion was perched on each side of me seated on a chair or a bench, and they were both higher than I was sitting up there I was a little scared, but I got started and got into the pitch that I wanted to make

HICKE Were there other people milling around?

DUNLAP Oh yes There were lights going I mean you know a press conference There were four or five mikes in front of me flashes and they are heavy lights that they have in the press conference room anyway It didn't seem to bother the lions If their trainer hadn't been there with them, their owner, why I imagine it could have been trouble

But I got involved in making my pitch and I went through all of the information about how I felt that the lions were depleting in number, that also lions are not like housecats they don't have tremendous families They have one or two cubs every two years, so it's not a species that can regenerate itself rapidly

I pointed out the fact that the number was dwindling the

environment in which they could live was dwindling and we could lose the mountain lion. I also went on to point out that the passenger pigeon we lost in the early 1920s, and we woke up and found that there were two passenger pigeons left in the world and they were both male. And of course, that was something that I didn't want to see happen with the mountain lion, but I went on beyond that to point out that and this became a really important feeling that I had about conservation measures period. I said, "You know, suppose I'm wrong. Suppose there are more than 600 mountain lions, suppose there are three times that many and we have my bill for a few years and we find out there are plenty of lions and there is really no need for the bill, we can always start killing the lions later."

My motto that I developed was, "When in doubt preserve." I carried that through on the fluorocarbon bill later. I said, 'Suppose I'm wrong. When in doubt preserve.' Well, of course it's really important. The chemical industries then and now kept saying over and over again, "You haven't proved beyond a reasonable doubt that this terrible disaster that you think is going to happen is going to happen. You haven't proved that beyond a reasonable doubt." And of course that's ridiculous that they should apply such a standard

The doubt should be resolved in the public interest in public safety, public health and the preservation of values not for the benefit of an industry We're not trying to throw everybody in Standard Oil [of California] in jail and throw away the key, all we are trying to do is prevent them from doing things that may be harmful

HICKE And also that process at least in the case of the mountain lions, is irreversible once it goes too far

DUNLAP Yes Of course

HICKE You can as you said reverse it if it's OK

DUNLAP Sure Well actually that's [Laughter] what's happening at the present time We got that bill through finally through both the senate and the assembly and I'm sure having those two lions with me was what helped give us the start I mean we were on the front page of something like twenty California newspapers And somebody sent me a copy of the first page of the London Daily Mail, and the picture was there For whatever good it did [Laughter]

So it really did hit the spot and Peter Behr who was about to introduce another bill just like it himself came in to see and said, "I'm not going to introduce my bill "

HICKE "It's all yours "

DUNLAP 'It's all yours, you've got it, buddy " [Laughter] So it did, that bill

went all the way through in one year. It had trouble in the senate committee at which time we did have to compromise. Instead of making it a permanent bill to prevent sport shooting period, it became a five year moratorium. And that moratorium I extended, I think, twice when I was in the legislature. Senator [Robert B.] Presley extended it again after I'd left the legislature, and was about

Senator Presley had a bill in to extend it a second time, and Governor [George] Deukmejian vetoed it.

So the mountain lion no longer has that protection and has the protection only of the Fish and Game Commission who have permitted an open season now. But the revived mountain lion coalition or another organization of people have commenced a lawsuit saying they didn't have sufficient study to undertake it so that currently I believe there's an injunction in effect which may or may not. No telling what the final result will be.

One of the arguments that was used against the mountain lion bill was that we do have the Fish and Game Commission who study these things and are supposed to protect these animals, and why should we have the legislature directly trying to manage this? Well that sounds good, and ordinarily might be good but Fish and Game Commission tended, at that time, to be dominated by fishing and

hunting interests. And as a result, they didn't have the interest in mind that we do now and apparently they're the same now. At least it begins to look that way.

Well, so much for the mountain lion. It was an exciting thing to do. I remember getting some letters from. Most people were quite supportive. I remember getting a letter from somebody in Vallejo, a senior citizen I think, who said, "OK, Dunlap, how about forgetting about the mountain lion and taking care of us people?" [Laughter] So it wasn't universally supported.

I remember getting actually some support from some farmers in Napa County who recognized that the mountain lion was not a marauder of sheep. I mean, I'm sure they do kill some. What happens basically is the mountain lion feeds on deer, maybe raccoons and smaller animals too. But deer is its principle steady diet when things work out.

It works for the benefit of the deer, because it thins out the herd so that it doesn't become overpopulated and outdo its grazing supply. It's part of the natural balance and can work well. And by also keeping raccoons under control and deer, it served to protect vineyards and other property. So that some of the farm interests, not the cattlemen or the sheepmen, but some of the others looked

upon it as a worthwhile thing

HICKE Well it certainly was a success story

DUNLAP Yes It was And it was fun

HICKE And that was effective because the mountain lion is making a comeback

DUNLAP Yes, I'm sure there are more mountain lions than there were at that time I haven't studied My sympathies are still with the lion and those who preserve it but I haven't read or made any recent detailed studies of the situation

HICKE There are just a couple more environmental things that I want to talk about In '74 you introduced a bill to encircle Suisun Marsh with a buffer to protect the Pacific Flyway¹

DUNLAP Oh yes

HICKE And I think Senator Nejedly told me a little bit about that He must have

DUNLAP Yes, he was, and I'm trying to remember exactly the details on that The Suisun Marsh, the Pacific Flyway, of course, involves migratory birds, and the fact that they have a summer season way up in the northern parts of North America, in Canada I guess some even

¹ Nejedly Bagley Z'berg Suisun Marsh Preservation Act of 1974 1974 Cal Stats ch 1486 p 3256

beyond the Arctic Circle. They come down and stop in various places en route and one of the places is the Suisun Marsh.

It was a matter of what development might occur in that area that would make the Suisun Marsh an incompatible place for birds to stop. Developing industry and developing residential areas in that area and in addition to that, the management of California water as it flowed in and out of the Delta would also have an effect on whether the right kind of grasses grew or didn't to produce feed there.

So it was a matter of undertaking legislation to try to preserve the marsh as a suitable place for migratory birds to stop and live a while as they progressed.

HICKE: Was that passed?

DUNLAP: Yes. I forget exactly the details of it. I do know that we got some things through and I don't remember exactly the details of what they were. We had, aside from environmental support, support from duck club interests. And this was one case where the hunters were on our side, because the hunters of course. If the Suisun Marsh went off the Pacific Flyway, the ducks weren't going to stop there, and they couldn't shoot them. Of course that was obviously a case where the hunters and environmentalists were on the same side.

HICKE That's interesting

DUNLAP Yes

HICKE Especially because the year before you had just opposed a tax break for the duck club

DUNLAP Yes Well, I'd say opposing a tax break for a duck club was consistent with my philosophy, yes [Laughter] If they can afford to hunt ducks and build duck blinds and all the things that they do they can afford to pay their fair share of taxes

HICKE Did somebody propose a tax break, or was there one and you proposed that

DUNLAP I forget They may have been seeking to include them under a Williamson Act contract I don't know Or one of the broadening aspects of the Williamson Act

HICKE OK, and then maybe this is a whole other subject that we should put off but actually in 1970, very early on, you opposed offshore oil drilling Of course, that's a continuing controversy

DUNLAP Yes That was partly an offshoot of coastal conservation, and wanting to protect the beaches I don't remember when the Santa Barbara oil spill took place, the big one That was in the early seventies That of course, dramatically called that to our attention

Actually, when [Assemblyman Robert] Bob Moretti was

speaker, he asked me to go to Washington for him and testify before a United States Senate committee [U S] Senator [Alan] Cranston had introduced a bill I think what Cranston's bill would have done it obviously didn't make it or we wouldn't be having our present controversy was to provide that anywhere where the state was in its coastal waters, and tidelands, prohibited drilling oil, that the federal government would adopt the same sanctuary and provide within its waters no drilling on out In other words, wherever the state within its limited area of jurisdiction in the tidelands said 'No drilling,' in that same area the federal government wouldn't do it

HICKE So the state has jurisdiction over so much distance out, and then the federal government

DUNLAP Yes, the tidelands, in other words, just below well from mean high tide to mean low tide I believe is state jurisdiction So if we had prohibited drilling within that area they would prohibit it out farther that was Cranston's bill It didn't make it, but I testified before a committee on that

HICKE What was that like?

DUNLAP Well it was fun It's the only free trip to Washington I ever got [Laughter] I only spent perhaps an hour before the committee, all told including testifying and answering questions and so forth

HICKE Did you get a friendly reception from the committee you were testifying in front of?

DUNLAP Yes I don't remember whether Senator Cranston was on the committee There were only, I think, two or three members present at the time on a committee of about eight or ten I don't remember the name of the committee [U S] Senator [Frank Edward] Moss, I think as I recall, was the chairman of the committee

HICKE Well, maybe we should put the rest of this off for another time

DUNLAP OK

[End Tape 5, Side B]

[Session 3, August 30 1988]

[Begin Tape 6, Side A]

V AGRICULTURAL LABOR RELATIONS ACT 1975¹

Preliminaries to Passage

HICKE Last time off the tape you were telling me that the only signing ceremony you had was for the fluorocarbons and I wondered if you could start off today by telling me a little bit about that ceremony the fluorocarbon bill

DUNLAP Yes The signing ceremony is mainly getting people together for a picture which is used for publicity Sometimes it may be coupled with a press conference where people will say things I guess I've got to take that back I think probably we had a signing ceremony, or at least some sort of a press conference, when the agricultural labor bill went through

HICKE Well, we want to get into that

¹ S B 1X, Alatorre Zenovich Dunlap Berman Agricultural Labor Relations Act of 1975 1975 Thrd Extraordinary Session Cal Stat ch 1 p 4013

DUNLAP Which I was also the author of So that as I think about it if there wasn't a signing ceremony as such there was the same kind of a whoop de doo [Laughter] in a different way On this occasion Governor [Edmund G "Jerry"] Brown [Jr] was present, and Assemblyman Vasconcellos, who was the assembly principal co author who worked with me closely and was a great deal of help in getting the bill through the assembly And Professor Roland and Professor Molina also flew up for the occasion And I think that was the extent of those of us that were in the picture as such

HICKE Were there any pens given away, or any such things?

DUNLAP I don't think so I don't remember that If so, I didn't get one [Laughter] That's more apt to happen where you've got some bill with financial interests involved, and somebody who's going to buy the pen

HICKE Some benefit for the Parker pen company

DUNLAP Yes Somebody that prints their name on the pen and gives it to you

So a signing ceremony is sort of a nonevent It's an excuse for publicity The governor at that time can say something because of course he has the decision to sign or not sign or allow to become law without signature

HICKE What actually was his participation in this bill? I don't know if we talked about that

DUNLAP In the fluorocarbon bill? Well, I think the administration was listed throughout, with regard to the second bill at least, as supportive but he wasn't involved in it. Occasionally such bills as the ag labor bill that bill was actually drafted under the direction of Rose Bird formerly supreme court chief justice and formerly secretary of Agriculture and Services and the staff of lawyers under her drafted the bill. I was merely the "author" of it in the sense that I was the person whom the governor requested to carry it and make it my bill on the floor of the assembly, as it was introduced in the senate, and my responsibility to handle it. Any changes that were made in the bill throughout, and there were many were

HICKE This is the farm bill?

DUNLAP Yes. Were, technically I had to approve them and sign them, but I didn't unreasonably withhold my signature or anything like that. There wasn't any basic disagreement and most of the changes that were made were to satisfy somebody that didn't like the bill in one respect or another.

HICKE Well, since we're on that, why don't we start at the beginning, and just take that all the way through. How did you start in with it?

DUNLAP Well I'm trying to remember That was in the '75 session
 Actually the sessions of course, were two year sessions 75 76
 and the bill would last two years you had two years to get it
 through But that one went all the way through in 75 And
 Brown was committed, I think, philosophically and personally, as
 well as in his campaign, to try to do something to get collective
 bargaining rights for farm workers, which had never existed Not
 only in California but practically anywhere

When the National Labor Relations Act¹ was passed by the
 United States Congress (it was called the Wagner Act, I think) way
 back in 1935, agricultural labor was exempted Just one of those
 things I think there was some sort of a labor bill in California too
 but it exempted agriculture And agriculture was generally
 exempted from Fair Labor Standards Act,² and other things like that
 nationally

HICKE Why was it exempted?

1 National Labor Relations Act July 5, 1935 c 372 S 17 49 Stat
 450 et seq

2 Fair Labor Standards Act of 1938 June 25, 1938, c 676 S 1 52
 Stat 1060

DUNLAP I assume because of the farm bloc lobby, and because there weren't agricultural unions pushing for it at the time, and because a lot of the people who were involved in agricultural labor were I don't like to use the word but were sub citizens in a way I mean, they were migrant workers who didn't vote and were not treated very well by the powers that be and the body politic of the country

HICKE So really no countervailing power for the

DUNLAP Yes They didn't have the muscle to get in, and getting the National Labor Relations Act through in the first place was a bit of a job And so better three quarters of a loaf than not a whole I understand that but it was time for a change, and time to do something about it

There had been various bills tried from time to time in the state legislature I can remember way back when I was on the Agriculture Committee in the assembly that people had tried bills In 1972 I think it was the agricultural interests Farm Bureau and others tried to put through what would have been a very punitive labor bill, recognizing that some sort of a labor bill was going to come sooner or later and they thought they'd get one they liked It prohibited strike at harvest time Well, that's ridiculous of course, because the only time that most of the people had any

opportunity to work was harvest time

HICKE Who sponsored that bill, do you remember?

DUNLAP That was I believe Farm Bureau, but basically agricultural interests I remember discussing it with one of them, saying that "Well you guys you might have gotten some sort of a bill through if you hadn't tried to push too hard for something like that "

Brown sought to put through a bill that wasn't 100 percent the bill that the United Farm Workers what one often calls Cesar Chavez's union (the union that he represented) wanted tried to compromise, but basically he looked upon it as a bill for farm workers and there wasn't much doubt about that In other words it was to give them the opportunity to bargain collectively which they didn't have It was intended to slant in that direction

However there were some things in it that were different than ordinary labor bills that were there at the request of the agricultural interests, and there was some attempt made to compromise it Incidentally the governor did ask me to introduce the bill Why me, out of forty senators and eighty assemblymen, I think well, a couple of reasons that I know of One is that a couple of other senators recommended me to him [Laughter]

HICKE Who was that?

DUNLAP [Senator] George Moscone was one of them And possibly Senator [Albert S] Al Rodda, I'm not sure of that, but I am sure of Senator Moscone

HICKE Obviously, this was after you were in the senate

DUNLAP Yes, right Governor Brown was elected in '74 to be governor and I went from the assembly to the senate in '74

HICKE We'll have to go back and pick that story up later

DUNLAP OK, yes Anyway he asked me to author it I think another reason that he asked me to was that my record on the subject was one of voting for good farm worker bills and voting against punitive farm worker bills So he knew where I stood And that despite the fact that I represented an agricultural district or at least a district that had strong agricultural interests I guess he knew I wasn't going to cave in, because the pressure was pretty tough

HICKE Yes that really wasn't the best sort of bill for you to be carrying

DUNLAP No, it wasn't And I'm sure it was one of the factors that contributed to my defeat in '78 But it wasn't the reason there are lots of reasons

HICKE So anyway, this was '75 when he asked you to

DUNLAP Yes And my assistant and I at the time spent

HICKE Is this the same one, John Harrington?

DUNLAP No this is a fellow by the name of Mike Gage, who later became an assemblyman in half of the district that I represented and was an assemblyman for two terms before he quit We spent a couple of nights looking over the bill and decided that we liked it basically So I said "Yes "

HICKE It was prepared by the administration?

DUNLAP Yes Very definitely They did so in conjunction with talking to various people throughout the course of the bill through the assembly and the senate A great deal of time was spent talking to outside interests who were interested in the bill Some of the agricultural attorneys and the Agricultural Council the Farm Bureau the United Farm Workers' attorney And the attorneys for other labor interests

We got involved in a problem where it became sort of jurisdictional as to whether farm workers or, I guess the operating engineers would be involved in levelling the land and getting it ready, like for vineyards If you've seen where they're converting former pasture land or orchard land to vineyard and the ground They've got big bulldozers and equipment in dig the dirt up and put pipes in for drainage and all sorts of things like that The operating engineers saw that as their field, and depending on

exactly how the bill was drafted, that might or might not happen
So there were some clashes there that had to be resolved and
things like that

HICKE How did you work that one out?

DUNLAP Well, I don't remember the details of what clause was changed here
and there, but I think basically we conceded to the interests of the
operating engineers That wasn't the kind of work that farm
workers as such did, although certainly the more skillful ones that
got better opportunities did get involved in operating agricultural
machinery Let's say I don't know a tomato picker or something
like that we weren't thinking in terms of construction as such But
we had a couple of anxious nights working those things out

The bill, the main problem and one of the reasons I think the
governor chose to ask me to do it also was that he wanted to start
it in the senate, he saw the senate as the far more difficult body to
get the bill through It tended to be more subject to agricultural
interests in just the natural complexion of senators as such, in
addition to that The agricultural lobby was stronger there for
whatever reason I don't know But that was generally true

HICKE Because of being more conservative?

DUNLAP Yes, the senate tended to be more conservative That word of

course, conservative and liberal, are labels that sometimes don't apply very well to certain kinds of issues. But yes, generally speaking.

HICKE: Was there any north-south division on this?

DUNLAP: I don't think so, I don't remember that. It may have been that because the agricultural senators might tend more to come from the north, it might appear to be that way, but the north-south wasn't the reason. So I don't think so. I don't remember that.

HICKE: How about urban interests?

DUNLAP: Well, urban interests. I'd say, probably tended a little bit more to favor the bill because they were not senators or assembly people there that had strong agricultural interests behind them. But once again, I don't think it was an urban interest as such, but just the absence of an agricultural interest. You might also have some areas where maybe there was a strong labor influence, like possibly San Francisco. But San Francisco was for it anyway for many reasons.

HICKE: Well, George Moscone.

DUNLAP: George Moscone and I guess I'm trying to remember who the other senator from San Francisco was, or part of San Francisco was at the time.

HICKE: Milton Marks has been there a long time.

DUNLAP Yes Milton Marks that was the other And Milton although a Republican at that time (he has since become a Democrat, I understand), Milton was certainly very closely allied with labor I don't remember either one of them being anything but supportive and Moscone was helpful as well as supportive

HICKE Can you tell me any more about the interests that were for it and against it?

DUNLAP Well the agricultural interests I think recognized that the bill was going to go probably Although some of them were against it they were saying, "Well we're for it if we can get this as an amendment of one sort or another " So you had the usual agricultural interests the Cattlemen, the Farm Bureau an organization called the Agricultural Council which included within it Cattlemen, the Farm Bureau There was also another organization called the Cannery Workers' League, as I remember That came under the Agricultural Council And a question whether cannery workers are agricultural labor or not I forget exactly how that resolved but I think that we decided they were, and I don't think they were too happy about that

The one concession that was made to agricultural interests was there may be others but the major one that they appeared to want

was that when it came to farm workers having a vote to determine whether they wanted to go union or not, that there be specifically on the ballot not just, "Do you want to go Teamsters " or "Do you want to go United Farm Workers," but the alternative specifically "No union at all " I think that they felt that most of their workers really didn't want to become members of an agricultural workers union I think that many of them really felt that

I think they were surprised when they found out that most of the elections afterwards did turn out that people did want Most of the workers did vote union in most of the elections But that incidentally was different The National Labor Relations Act doesn't provide for a specific "No union vote It requires, of course, a majority for the union to take effect, but the opportunity for this specific 'No union' vote, they felt was important We didn't see any reason why not That's one thing I remember in the negotiations

There were also negotiations in detail and I don't remember how they worked out, but it was a serious problem because there had been some strikes a few years before, with no bill of course, available in a couple of areas in the San Joaquin Valley There was a question and a lot of people lost their jobs and drifted away the

question whether some of those people who had been excluded could come back and participate in an election. The union was very strong for wanting that, and the landowners basically those in the San Joaquin Valley in this case, didn't. I think that was mostly resolved in favor of the unions, as I recall. But it was a big area of contention. I don't remember the details now.

The bill was originally introduced as a bill, just a regular bill, to take effect at the end of the succeeding session at the end of the year in which it was signed. In other words, most bills take effect January following the September when the governor acts on them and signs them. And a bill which is an urgency bill with a two thirds vote can take effect immediately.

Part of the feeling was that if we're going to have this bill, we want to have it now. We want to get it going right now, we want to resolve these issues, and we don't want to have any more problems. I think that came from both sides.

HICKE That was harvest time too.

DUNLAP Yes, harvest time was coming and we wanted to have the law prevail for the fall harvest. That presented a problem because you have to do it by an urgency bill which requires a two thirds vote. We felt we could get the two thirds vote but the constitution of

the state provides that where you're creating a new state officer you can't do it by an urgency bill. So we got our bill along and realized that I think we actually got it through the senate and realized that that wasn't going to work.

So the governor then called a special session to run concurrently with the regular session and we re-introduced the bill as Senate Bill Number One in the special session. Bills in the special session take effect at the end of the special session. I forget whether with or without an urgency clause, probably with an urgency clause. So we could get around that constitutional prohibition of creating new officers. And we were of course creating new officers in creating the Agricultural Labor Relations Board.

So the bill that actually finally went all the way through both houses was SB 1X I guess of the. But by that time, we had pretty well ironed out all of the problems. We were pretty sure the bill was going to go. As I say, it had been through the senate. So that was relatively clear sailing.

[This title was placed on the bill at my request. I believe when the bill was in Senate Finance Committee. It was a tactical move, I believe suggested by then Speaker of the Assembly Leo McCarthy.

(Now Lieutenant Governor) Howard Berman had been my assembly co author on the original bill Howard, prior to being in the legislature was a labor lawyer (He is now in congress) [Assemblyman] Richard Alatorre (still in assembly, I think) had been for a couple of years the author of an agricultural labor bill for the United Farm Workers [Assemblyman] George Zenovich had been an author of an ag labor bill which was farmer oriented It seemed appropriate to the bill to get all these names on it and also served to give credit to those who had contributed to development of the issue in the legislature George Zenovich as a matter of interest, is now on the California District Court of Appeals Fresno area]*

HICKE I wonder if you have any sense of why it had been forty years since the National Labor Relations Board was created, and other attempts had been made to pass agricultural bills Why this bill at this time?

DUNLAP Several reasons Brown's commitment, for one The fact that we had at that time a coincidence of a fairly liberal assembly and senate fairly And a governor We had had Reagan for eight years who would have vetoed any bill that I would have considered

* Mr Dunlap added the preceding bracketed material during his review of the draft transcript

decent, and probably most of the time a legislature that wouldn't have had the muscle to get it through in California. And you know, California is much like many other states there are a lot of states that are more conservative. But I would say it was representative of how the country was in general.

HICKE Fairly strong in agricultural interests, landowners

DUNLAP Yes. Well, that's the point, of course, that in some states there would be little reason to have one. Massachusetts for instance I'm sure they have agriculture there but not the amount that would make such a bill very important.

So good things or change some people might not think this was a good thing but things like this changes don't take place all at once. They take place slowly. Sometimes, some of the wild far out bills that I introduced may ten years or twenty years from now become law.

We did see bills of course in many other areas. There had been other legislators that had introduced agricultural bills. Those things helped pave the way for getting people thinking about things.

Rose Bird

HICKE Well, you mentioned Rose Bird. Did you work with her on this

bill?

DUNLAP Yes

HICKE Can you tell me a little bit about that?

DUNLAP Well, my relationships with her were fine We were both on the same side of the fence Once, one of the people in her office wanted me to try to get through an amendment to the bill Amendments have to be technically run across the desk and read He brought it in at about I don't know five o'clock one day or something like that, with the idea that You know, senate staff quits work at five o'clock and it was somehow they felt, essential that this get through and be done that day

I took a look at it and recognized, they have to actually read it out loud, the whole damn thing, into the record And this was maybe five or ten pages of legal stuff I said, "No we're not going to do that " And they got kind of fussed up about that

That was the only time that I had any real difficulty with them I told her the next day I said "You know I have my own popularity to maintain and so do you and you don't want to rub people the wrong way Unless it's really essential you don't want to try to do things like that " She seemed to understand

HICKE You have to face your staff the next morning, providing they show

up after that

DUNLAP Yes, right [Laughter]

HICKE What was her interest in this?

DUNLAP Well, I think she had been given the job by the governor. It was not her thing as such. As far as I know, she hadn't studied agricultural labor law over a period of time or anything like that. But I think that was "Rose, this is your baby," I suppose. You have to ask her.

HICKE Was that a way that Jerry Brown routinely worked that he would hand over assignments to people?

DUNLAP Well, he stayed involved in this

[End Tape 6 Side A]

[Begin Tape 6 Side B]

HICKE You were just saying he stayed involved

DUNLAP Yes, he stayed involved in this, in negotiation with farm workers and agriculture. He was helpful and made himself and others on his staff available.

HICKE To do what? Give speeches?

DUNLAP To go back and forth carrying messages. We actually spent maybe some twenty or thirty hours in the governor's office with various people trying to work out details and compromises. So to say that

he just handed it to somebody would in this case not be true, or not be the whole story anyway Now, I don't know enough about

I worked with him on this bill closely, and one other that same year '75 It was my bill that he helped me with in picking up one extra vote that I needed That was tax reform, which we'll probably get to sooner or later

Those were the only times that I got involved with him really closely I remember he gave me a whole evening once to try to talk him out of vetoing a bill, but [Laughter] I was unsuccessful

HICKE But he listened

DUNLAP He was gracious and listening and I enjoyed talking to him

HICKE Which bill was that, do you recall?

DUNLAP That was a bill called the RISE [Reform of Intermediate and Secondary Education] bill Don't recall what RISE

HICKE I can look that up

DUNLAP It was a bill put together by [Superintendent of Public Education] Wilson Riles, and Riles and RISE are not synonymous Anyway it involved reform in secondary education

HICKE Maybe that's what it stands for Reform In Secondary Education

DUNLAP Maybe that was it, yes Anyway, we got that bill through both houses of the legislature after a lot of work The governor didn't

want to spend the money mostly, and vetoed it. Wilson Rules was very upset, and I was disappointed. But there had been a study committee that had gone on for a couple of years, and that's how the bill got started. I can understand his having been upset.

Committee on Oversight for ALRB

HICKE: OK. Well, you were at least on a committee, maybe in charge of a committee, on oversight for the Agricultural Labor Relations Board after it was created.

DUNLAP: Yes.

HICKE: And I read somewhere they had four hundred and some elections in the year after it was formed, and they had problems with understaffing and

DUNLAP: Yes, had to come back and ask for extra money over and above that which was budgeted.

HICKE: So can you tell me a little bit about what was involved there?

DUNLAP: I just remember difficulty getting extra money through. Among other things, the governor appointed to the board people who were hard for the farm interests to swallow, such as Leroy Chatfield, who'd been an organizer for the farm workers. Bishop Roger Mahoney, who had been out front within the Catholic Church for the farm workers. I think he's archbishop from Los Angeles or

something now. People like that. It was awfully hard to get them approved by the senate. Those two in particular, it was kind of like waving a red flag. The governor could have picked people who would have been of the same demeanor who didn't have, as I say, a red flag on their back and that didn't help.

HICKE: Why did he do that?

DUNLAP: You'd have to ask him. I made some recommendations to him which he didn't follow. I didn't figure that just because I worked on the bill that I had any investment in it. I didn't feel terribly hurt by his not appointing anybody that I recommended. I did feel that he made a tactical mistake doing that.

HICKE: Well, one of the things that I know was involved, I started to ask you about the board, but I also wanted to ask you, there was a conflict between the Teamsters and the Farm Workers Union too. Was that part of the elections afterward, or was that part of the controversy before, or both? Actually, I have a couple of articles here that might refresh your memory, if you want to stop and take a look.

DUNLAP: Yes.

[Interruption]

DUNLAP: I'm not going to be able to respond as well as I would like to to

many things here that I'd have to spend more time on I'd have to read up and remember better than I can now exactly what went on That does point out, incidentally, a weakness of mine when I was in the legislature, and I think, a weakness of legislators generally We're more interested in getting bills through than we are in watching and seeing exactly what happens after they get through There is a weakness, and I think the legislature generally doesn't follow through and see how well things work and see them monitored, improved, and so forth It's probably more a liberal weakness than a conservative one, because although we're always well meaning in what we try to do sometimes solutions that liberals have just plain don't work The problem is there but the solution hasn't been exactly the right one It needs to be changed or thrown in the ash can and try something new That's just a general weakness

So what I'm telling you is that I didn't spend as much time on oversight as I should have I was into many other things I do remember the access issue

HICKE Let me just stop you one minute on the oversight question Is it a fairly recent phenomenon that there is an official oversight in the legislature?

DUNLAP I think it's been tried from time to time, and I think it comes and it goes. We did have legislative oversight committees with regard to

This was not the only bill. I can't remember any others, but it was something that happened. And you had committees that generally tried to monitor government operation generally, and look into things like that, that were more involved in following what went on than in creating little legislative proposals that I did. But that's the exception rather than the rule.

HICKE Do you have a sense of why this oversight doesn't seem to work very well?

DUNLAP Well, [Laughter] it just may be that for some people it works better than others. I'm speaking from my own bias in part. But to me it's just not as creative a work to be involved in. It's more appealing and probably more politically appealing to the general public in trying to make yourself look good. So both from a standpoint of interest and a standpoint of political sex appeal, for want of a better word, why becoming involved in new legislation is better. You're drawn to it naturally.

That isn't going to always be true, because there are legislators here and there who have made good reputations based upon the economy aspects of oversight, such as Senator [William] Proxmire.

in the United States Congress But mostly I don't think that's true

HICKE Do you see any solution for this problem?

DUNLAP Consciously trying to do something about it recognizing the need, and recognizing that a good creative person should stick around and pick up the pieces and put them together and find out what it's all about

HICKE Was the oversight requirement written into the legislation?

DUNLAP Yes

HICKE So that's about as much as you can do officially

DUNLAP Yes And those who don't like it of course are going to be more apt to follow through to try to find the problems And those that do And maybe that's good Maybe that's the way it should be because if there are problems they'll find them

But as I say, getting back to the bill itself I do remember the access problem, and the board in effect voting in favor of access Which in effect means that You see farm workers ordinarily live in labor camps of one sort or another, the majority of seasonal farm workers that is And these were often on the employer's premises Does the employer have to allow union organizers to come on his property, take a position trying to organize the workers and tell them what their rights are and what they should

do for their own benefit, which is directly contrary to what the employer would want them to do?

I don't see any reasonable approach to it other than that. If we're dealing with people that worked in a town and went home at night to their various homes, then there would be no reason why union organizers couldn't go to their homes. But this is, in effect, a company town. By involving itself in agricultural labor and hiring a lot of agricultural labor of this type, the employer has implicitly given the invitation to agricultural labor [organizers] to come in.

I think that's probably how the courts, although I don't remember the details, resolved the issue, as far as any technical constitutional problems were concerned. I don't remember exactly. I didn't have any problem with it, it seemed very reasonable to me. I think many of the farm owners recognized that too, but some were hunting for trouble.

HICKE: Yes. They could always use the trespassing [laws].

DUNLAP: Yes, that was their theory, that you're coming onto my property without my invitation, therefore you're a trespasser and the board has no right to authorize a trespass. Well, I think the implied invitation is a pretty good way around that.

HICKE: The implied invitation in the fact that they have the people living

on their property?

DUNLAP By hiring so many people and providing a place for them to live I'm trying to remember, I think there may have been a previous court decision way way back almost when I was in law school (a long time ago) of a similar nature. It involved the right for political workers to enter company towns, on the theory that there was an implied invitation because if you said somebody could live there, they certainly are entitled to the benefits of normal living, which include access to people who are selling political ideas door to door. Political salesmen.

HICKE OK. So then there were a lot of elections.

DUNLAP Yes. There were a lot of elections. The United Farm Workers as I recall won most of them, the Teamsters [Union] won a few. And a very few went no union. I think. But darn few.

Implementation of ALRA

HICKE What were the problems with budgeting and so forth?

DUNLAP Well, nobody had any experience on this, and the budget. I don't know who put together the first budget or how. We arrived at it whether somebody in the governor's office or under Rose Bird, somebody came up with a figure. It wasn't enough at all. It's like any new program when you start it, there's a great reservoir of

people who didn't know anything about it, and when they find out there's an opportunity, it grows immediately and largely

We needed not only more money when it came to the next budget, but more money before the next budget period. So that there was, within a few months a financial crisis. Those things went on and there was some dickering back and forth. 'Well, OK, we'll vote for your increased staffing but you've got to change the law in order to get us to do it.' In other words a trade off, whereby "But we've got to limit access in order to get my vote for this you know." And things like that.

To the point I guess it was in 1976 in the general election that organized labor put on the ballot a provision to put the Agricultural Labor Relations Act into the state constitution and to require funding through the state constitution so that this not be a subject of dickering and trading.

I could understand that and because I had worked with organized labor and worked with the United Farm Workers in particular and [Labor Union Official John F.] Jack Henning in the AFL CIO [American Federation of Labor Congress of Industrial Organizations] and all the powers that be in labor I supported that idea. I voted for it in '76 and I allowed my name to be used

as one of the supporters of it

That was a compromise on my part with what I generally believe belongs in the constitution and doesn't belong in it I don't think specific detailed laws belong in a constitution I think it's something that should be subject to legislative change ordinarily But because of the so called holdup on getting funding through that we were continually having I voted for that and supported that That was probably another thing that didn't do me any good politically And it bothered me a little bit in principle, because like I say, things like that I don't think belong in the constitution

HICKE Did that pass?

DUNLAP No, it was defeated And probably should have been I don't like what's happened to the agricultural labor bill now under the present governor with the appointees he's had and with the lack of funding and all the problems that have happened over the years Getting it in the constitution might have eliminated that problem, or at least made it less so than it is But some greater long run interests may say that that still was not the thing to do

HICKE Well, what about the Teamsters and Farm Workers? How did that sort out?

DUNLAP I think we knew that there was going to be some problem,

jurisdictional fight, between the Teamsters and the Farm Workers before the bill passed. I don't really remember whether anything got into the bill that was written to favor the Farm Workers as opposed to the Teamsters. I wouldn't be surprised, it might have. Certainly if it had come up, that was where the sympathy lay for the most part. And I think that the United Farm Workers did. I don't know, as I remember they won most of the elections but not all of them.

HICKE Who was heading the Teamsters?

DUNLAP I don't remember.

HICKE Didn't play a very prominent part, probably.

DUNLAP Well, they won some elections here and there but not most of them, I don't think. I really don't remember.

HICKE Does that cover the Farm Labor Bill?

DUNLAP Oh, probably pretty well. If I had spent some more time on it, I could tell you more. No, that's probably about it.

VI MORE COMMITTEE WORK

Education Committees (Assembly and Senate)

HICKE Well, in that case, I would like to go back up here to the assembly and there are some things that we didn't talk about in that area. I

don't really think that we talked about education. You were on the Education Committee for some time.

DUNLAP [Laughter] I spent twelve years on the Education Committees.

HICKE Both assembly and senate.

DUNLAP Yes. And I don't think there was any other policy committee that I was involved in all twelve years. No, I don't think there was. I don't know that there are any great landmarks that I left behind. [Laughter] I'm sure, some, that I participated in some things. What did you want to ask about?

HICKE Well, what in general were you trying to accomplish? What were your goals for education for the state?

DUNLAP I don't know exactly. I know part of why I got started in the field of education. One of the reasons was just common interest. I had served as a school trustee for eleven years. When I got out of the army after World War II, I had a couple of months time as I finished college and finished my undergraduate work at UC Berkeley, in thinking very seriously about whether I wanted to go on and get an M.A. and/or Ph.D. and become a teacher of one sort or another in the social science area. Or, whether I wanted to be a lawyer. So I had a real interest in that.

In addition to that, a lot of the people who worked with me in

my first campaign in the assembly were teachers in Napa. In the active Democrats, there were a substantial number of teachers among them. They were interested in my doing the right thing by education. And that, I'm sure, had something to do with it.

HICKE Did you ask to get on those committees?

DUNLAP Yes. When I first went to the assembly, I asked to get on Natural Resources and Education, and I think I asked for Ways and Means and Agriculture. The Ways and Means, of course, I was sure I wouldn't get on, but I thought I ought to ask for it anyway the first time. Did I tell you about my interview with [Assembly Speaker] Jesse Unruh?

HICKE No.

DUNLAP The speaker in the assembly, or at least under the rules that then existed, the speaker has total authority as to what committees members will be on and who will be chairmen of committees and where bills are assigned. So that's a lot of power. And generally, I guess the speaker had an interview with each new assemblyperson to see what committees they wanted to be on. You give your list ahead of time to indicate why you think you should be on it and so forth.

I had put Education and I had indicated the reasons that I

thought I ought to be on it were because I had been a school trustee for eleven years I guess also that I had been a teacher two out of the three years in the army, in the [U S] Army Air Corps

So I had sort of thought "Well there are not going to be very many people that have that kind of experience he ought to put me on " I went in for the interview and he said, "I'm not sure I can put you on the Education Committee John There are thirty four new members of the assembly, and half of them want to be on the Education Committee

I thought very quickly to myself, 'Well, I've got to say something to overcome that I said, "Well, I doubt if any of them have the vicarious experience that I have with the public school system My daughter is in her first semester at UC Santa Barbara my son is in high school Another son is in the second grade " or whatever it was "and my daughter just entered kindergarten So I've got the works covered '

He sort of smiled and said "Well maybe " Anyway I got on it and I don't know just why I was interested in it and interested in such things as You know the University of California was taking it in the neck about that time A couple of years before they'd had the Free Speech Movement, and Governor Brown had

called out the Highway Patrol to try to quiet things down at Berkeley on one occasion and the board of regents had been up in the air Reagan came in wanting tuition throughout both the university and state college systems

I disagreed with those positions Although I didn't 100 percent agree with all the student craziness I did sympathize with the position of young people and recognized that they were trying to make some changes in one way or another although they weren't always as articulate as they should have been and didn't know exactly what they were doing but they were rebelling against the establishment I kind of shared some of that at a feeling level

So I don't know that I actually introduced any bills for the most part during the first few years but sort of articulately tried to resist those that were putting down higher education I considered that an important thing to do

Alternative Education Bill, 1975

DUNLAP I did feel the need to try to innovate in the field of education I got one bill through which was vetoed twice by Reagan and then finally signed by Brown called an Alternative Education Bill, which said that within any school system I forget exactly the mechanism we had for bringing it to a head but saying in effect that the

school trustees must allow an alternative school if the teachers and the parents wanted to do it. This was a school that was defined basically as being one that

[End Tape 6 Side B]

[Begin Tape 7, Side A]

DUNLAP one that is opposed to having as its substantial object learning facts rather the idea that students would learn creativity, responsibility, initiative, and experience, things like that. I think we even used the word joy that it was based on the theory that the best learning takes place when somebody learns because they want to learn. Other liberal language like that. It's really not very subject to precise definition but we tried to do it as well as we could.

We knew that there were cases throughout the state where special classes were being run on this basis, and students who had been otherwise turned off were doing very well. Some students who weren't necessarily otherwise turned off were doing very well and it was successful.

It wasn't an opportunity for the goof off lazy student as people might ordinarily think it would. But actually, that kind of student didn't take too kindly to heavy responsibility, and responsibility was

one of the key words

So we did finally get that bill through, I guess, and the governor signed it in '75. I don't know exactly what's happened to it, that's another matter of oversight. I do know that within a few years after it, there were areas throughout the state where I'd get letters from teachers mostly that said thanks for it, that they had been able to get through innovative programs based on it. One of them even invited me to go to their school over in Sonoma County, in a part of Sonoma County that I didn't represent, but I did go to the school.

So I did a few worthwhile things of that nature. Education Committee was a hard job. [Laughter] I remember somebody who didn't want to be on it at one time, I think it was somebody like John Burton who had a great sense of humor. He said all the Education Committee does is meet. [Laughter] And we did meet for hours.

HICKE: Why was it so hard? Well, obviously, there was a lot of volume.

DUNLAP: Volume, a heavy volume of stuff. We handled all the educational finance bills.

HICKE: Which are complicated.

DUNLAP: Which also later went to the fiscal committees too, but they had to

go through them. And of course it began from kindergarten and went on through higher education. That's a big territory, it's a tremendous amount of the state budget. It involves a coalescence of governing boards of local school districts, county boards of education, the state board of education, and the trustees of the state colleges and regents of the University of California. So it's a big territory.

HICKE: Did they ever think of splitting it up?

DUNLAP: Well, we did have subcommittees some of the time. When I was first there, we had a subcommittee. I was a member on the Subcommittee on Higher Education and one other, I forget what it was. And very glad to be on the Subcommittee on Higher Education. And I don't know whether they've split it up in either house since then or not. They could.

HICKE: They could very well, it sounds like.

DUNLAP: Yes.

HICKE: You had to deal with lobbyists?

DUNLAP: Yes. Mostly that wasn't hard. It was harder my last two years. Before my last two years, it wasn't too hard because I just listened to them, and sometimes. They were up testifying. They were the various special interests within education, the California School

Administrators the California Teachers Association, AFT American Federation of Teachers United Teachers of Los Angeles those were four of the heavier groups But there were also special California School Board Association should be listed as a fifth I guess

ETS Bill 1977 78

DUNLAP Then there was the California School Employees Association, who were noncertificated employees and then special ones for junior colleges and there were the students organizations That was another interesting bill that I carried in the senate for It was pretty much my bill [There was] brought to my attention a need for by an organization of University of California students I think through the presidents of the student bodies of the various campuses of the university It was a bill to attempt to curtail the power and authority of Educational Testing Service You ever heard of it?

HICKE Educational Testing Service?

DUNLAP Yes

HICKE Do they put out those standardized tests?

DUNLAP Yes They're a nonprofit corporation They're the major

HICKE Stanford Binet, or something like that?

DUNLAP Well that's a name of an old one, way back when I was in grammar school I think [Laughter] But ETS puts out the general so called intelligence tests and tests for various specialties within the educational field like LSAT Law School Aptitude Test And I suppose for all the other various professions and so forth

And the students felt they were having to take these tests every time they turned around, that the tests were not really accurately correlated to give the information that they were supposed to, with regard to the students' ability and so forth They cost money took time and they were used to avoid making decisions that were hard to make that they would try to reduce everything to numbers

Somebody wrote a book I don't have the name of it in my head it's called The Myth of Measurability [edited by Paul L Houts 1977], with the idea that everything could be reduced to a chart with numbers, and qualitative decisions can be made on a mathematical basis Well I kind of resist that idea and the students didn't like it

So we put in this bill¹ to try to restrict the authority of ETS not ETS as such but giving of tests in one way or another I

1 1978 Cal Stat ch 763 p 2385

remember telling the students, 'Now, we've got this bill together I think it's a good one but I think it's too good I'm chairman of the Senate Education Committee but I don't think I can even get this bill through my first committee, my own committee that I'm chairman of '

It was interesting I'm telling this story only because it sort of illustrates how a good witness can help with a bill that's pretty shaky and a bad witness for or against can have an adverse effect That's what happened in the case of this bill because I put on my testimony which included the students and a couple of people involved in educational administration that agreed with us they were not high ups by any means in my own testimony I could see that I was probably right "Well, I can see your point Dunlap but is this bill really necessary? was the message I was sort of getting

And then they called for the opposition About eight university department heads of various natures, not just from California schools but somebody came from out of state and various other places, and they just sort of oozed academic arrogance When senators asked them questions they acted like it was imposing on their time to have to even answer the question And that nobody should be permitted to even introduce a bill like this, let alone

waste their time with it

And they made the committee mad, and the bill went boom, right through it [Laughter] And later after some modification, went all the way I forget once again what all the details were

HICKE That's wonderful Do you remember the name of that bill?

DUNLAP No I could look up the number somewhere That probably was in Well undoubtedly I was chairman of the committee and that would have been my last two years there '77 and '78

HICKE OK We can find that Anything else about education that comes to mind?

DUNLAP Not offhand I was chairman of the Senate Education Committee the last two years and by that point working with lobbyists was a little harder

HICKE More pressure?

DUNLAP Yes more pressure But on the other hand I had a staff that could absorb a lot of that I also however had the responsibility of getting all of these myriads of bills heard trying to make sure that people had a fair shake at testifying Some of the time that was hard to do, and having so darn many bills so many prolific and articulate lobbyists and others that wanted to testify, it was hard

HICKE Did you work with Wilson Rules?

DUNLAP Yes The RISE bill that I mentioned was the principle effort that I had in working with him in really close cooperation We held a joint press conference for that bill I worked with him and a couple of his legislative people I liked him

HICKE How did you get to be chairman of this committee?

DUNLAP I don't remember exactly Well yes I do Senator Al Rodda had been chairman of the Senate Education for many years He became chairman of the Senate Finance Committee The rule, of course, very reasonable, you couldn't be chairman of two committees that is, two standing committees

So somebody else had to do it I was interested in doing it I wasn't 100 percent jolly about it because I knew it was going to be just a heck of a lot of work And there were a lot of other things that I wanted to do too [Laughter] I think I sort of dickered with them Incidentally in the senate, the Rules Committee consists of five people making the decisions about who gets appointed to what committees and who are the chairmen of what committees, instead of the speaker However, the speaker pro tem is probably the most important of the five votes on the Rules Committee

But I remember saying that although I would like to be

chairman of the Senate Education Committee, that I want to do some work in the field of economic priorities and objectives and I want to get a select committee going in that area. I don't remember whether I made it a direct contingency saying "Okay, I'll be chairman of the Senate Education Committee if you create the select committee which I want." But I certainly intended to get that idea across. And that is what happened.

HICKE: Well, I know of two select committees that you were on: Open Space Lands and Coastal Zone Resources. Is this another than the one on education?

DUNLAP: Yes. I had mentioned John Harrington, and this is the one that he worked with me on and was my chief staff person. He became the consultant to that committee. That's one where we got involved with the state bank among other things, which I think I mentioned to you.

HICKE: Oh, yes. OK, well, we have to back way up to the assembly again.

DUNLAP: Yes, you keep dragging me back there, don't you? [Laughter] OK.

HICKE: That's OK. I think it's just as well to follow these through: Natural Resources you were on, and that probably covered the environmental legislation which we already talked about.

DUNLAP: Yes.

HICKE Were there other things?

DUNLAP Yes I don't remember any other I'm sure there were probably a few other bills here and there but That was an area that I was interested in Ed Z berg was chairman of that committee when I was originally on it in the assembly Ed and I were good friends Or I just barely knew him when I went there, but we became good friends

California Maritime Academy, Vallejo, 1971

HICKE You just reminded me I meant to mention that back to education you had a bill in '71 to turn the California Maritime Academy of Vallejo into a state college campus¹

DUNLAP Yes That was a defensive mechanism which came about because the legislative analyst [A] Alan Post's office had made studies of all sorts of things from time to time concerning efficient government operation They came up with a recommendation that the California Maritime Academy be closed, and that the state quit doing this They were not without some reason in the idea that this was a major state expense for the benefit of the maritime industry and a relatively small number of students We didn't have

¹ 1971 Cal Stat ch 1582 p 3191

special state schools for various other professions well, we do have some but at least not many and this cost quite a bit They had to operate a ship and do all sorts of things

The California Maritime Academy was located in Solano County on the Carquinez Straits in my district I was really responding in defense of an employer and an institution in the district which was looked upon by most of my constituents with favor At least, those that looked upon it one way or another were for it So I was just basically trying to say "Well if it becomes part of this "

Incidentally this attack on it attack is probably an unfair word to use but it was perceived by the academy as an attack on it I don't know Post did not intend it that way he was looking at the efficiency of the government and so forth But this had come up from time to time over the years, and it wasn't the first time And I knew that It had come up before I was in the legislature

So I thought well that's because it's standing out there like a sore thumb in the budget If it gets in with the state colleges in general then it will be part of their budget Not only will it stand out less like a sore thumb and be more subject to the invitation of somebody who's trying to save money but in addition to that, it may be used for a broader purpose Because it can be available not

only for training of merchant marine officers, but in addition to that can be used for other purposes of special training for other state college students who may go there from time to time. It might be even operated more efficiently in cooperation part of the training program, with others like Sonoma State [College], which was close or Hayward State College, or others that were close might help to operate it.

So it seemed like a reasonable response. I went to a lot of work on that and spent a lot of time on it, because I looked on it as a district bill that was an important thing for me to do. I talked to various members of all the education committees in both houses and when I introduced the bill, as I recall, I had a lot of co authors. If I didn't have them right away, I got them soon.

The bill did not ever pass as such. What we developed was sort of an alliance with the state college system. It wasn't a complete amalgamation or takeover. The board itself of the California Maritime Academy was independently appointed by the governor. They didn't like the idea and I told them "Well OK if you don't like the idea, just recognize that you may be out of existence."

So I got them to cooperate partly. We got a bill through

which was a compromise. It sort of provided for an alliance. I think it provided that state colleges' trustees would appoint a board of visitors who would cooperate with the colleges with the academy. I think this occasion was probably the closest I ever worked with the governor's office when Reagan was governor. Because this was when Reagan was governor.

HICKE: What was his interest?

DUNLAP: Well, I think he'd appointed a couple of the members of the board and I think they were getting back to him that they didn't really think the college should be discontinued. Some of my relatively close friends in the assembly didn't like the academy because they looked on it as sort of a paramilitary organization. Well, it was run that way, they were officers, they had uniforms, they marched. It was a little like [United States Military Academy] West Point and they thought, "Well, enough of that. Fine, if you've got to have that for the United States government, but why should California be in that kind of a business?"

Reagan's people, on the other hand, reacted in the opposite direction. They liked that sort of thing. They probably thought that we ought to have all students in the colleges marching. [Laughter]

I forget, there was a guy who had been working for the

University of California in one way or another, his name was Alex Sherriffs. He was the governor's advisor on higher education at the time, an appointee working in the governor's office. Anyway, he helped work out the compromise. We were relatively sure of the governor's signature, as we went through on the bill. That's one probably we could have had a signing ceremony if we had wanted.

HICKE: Well, another committee you were on was Planning? I think you were only on that for the first.

DUNLAP: Well, Natural Resources, Planning, and Public Works was all one committee.

Transportation Committee, 1968-70

HICKE: Oh, right. Well, then Transportation.

DUNLAP: Yes. My second two years in the legislature, the Republicans had gained a majority in the 1968 election. When I first went in, there were I guess maybe forty-one or two Democrats and thirty-eight Republicans, and Unruh was speaker. In '68, the Republicans took over control with I think a forty-one to thirty-nine legislature. [Assemblyman Robert] Bob Monagan became speaker, a Republican from Tracy, as I remember.

I asked to be on the same committees I'd been on before: Education, Natural Resources, and Agriculture. Monagan, I

remember him explaining to me and saying, "Well it's just the mathematics of the thing Mathematically, it doesn't work out for you to be on Natural Resources "

So I don't remember whether he gave me Transportation just out of a clear sky, or whether he gave me a list of others that I could choose to be on or not But that's how I happened to be on Transportation It wasn't a matter of choice, as such Incidentally his idea of mathematics was "Well, we've got to make sure we've got a majority of Republicans on every committee "

HICKE That's what I was wondering what the numbers meant

DUNLAP Mathematics was just his way of not wanting to use a dirty word of political power There's no question about that, I understood what he meant [Laughter] And that was the name of the game, as far as that was concerned

The Transportation Committee was kind of interesting in that I remember going to some hearings and learning about some of the far out ideas that people had for urban transportation

HICKE Yes, that would be interesting

DUNLAP They haven't been developed, for the most part There were things like little cars little electric cars that people could ride in cities as an adjunct to interurban railways

HICKE A thing like Go Bart

DUNLAP Yes The idea was to try to solve the smog problem I first became acquainted with the fact that over half of the land in the city of Los Angeles is devoted to the automobile in either one way or the other either through streets or parking lots or garages or one thing or another The smog problem That type of thing and it was a developing area at that time We did pass some smog legislation that was good restricting emissions of one sort or another

HICKE This was 69 and 70 so that was pretty early

DUNLAP Yes The federal government was in the process and we were too and it was a matter of trying to move things along There were bills I think also reducing lead content in gasoline way back then So that there was some progress made, but some of these more far out ideas obviously just haven't worked yet We still need them

HICKE More than ever

DUNLAP Yes But those were the only two years that I served on the Transportation Committee It was a good thing to have done I remember one vote in particular the BART [Bay Area Rapid Transit] bill¹ Senator [Lewis F.] Lew Sherman, senator from

1 1969 Cal Stat ch 24, p 113

Oakland real nice guy He was one of the Republican legislators that I liked He had a bill to create BART

BART

[End Tape 7, Side A]

[Begin Tape 7, Side B]

HICKE You were just saying BART had

DUNLAP BART had been created long before

HICKE The district

DUNLAP Yes, the district but they were not putting the funds together to be able to do what they wanted to do and complete the job and so forth And as a result, there were various bills to try to produce the money

Senator Sherman finally had this bill, which he'd gotten through the senate, and it came to our committee in the assembly to authorize a half cent sales tax for the counties in which BART was located I didn't like the sales tax I was, I think the only no vote on the committee I remember feeling you know, squirming a little Because number one, I liked him number two, I recognized the need of BART but number three, I had a real strong commitment against the sales tax and feeling that it sort of put the burden on people who could less well afford to pay than either the

property tax or the income tax or some other kind of thing

HICKE That's the one that added one half of one percent to

DUNLAP Yes And it's still in existence I could see that BART was benefiting property owners all along the line in close proximity to where the stopping places were, and what good it was doing to downtown skyscrapers, people owning them in San Francisco, and all along the line I felt that some sort of a special tax on those who were going to reap financial benefits from BART would be more fair than a sales tax And it would have been But I guess they had no way to have the power to get the votes for that That's about all I remember about the Transportation Committee right now

Joint Committee for Bay Area Regional Organization

HICKE OK You were on, in '69 the Joint Committee for the Bay Area Regional Organization?

DUNLAP Yes John Knox was chairman of it John Knox, throughout the time I was in the legislature was trying to put together some sort of a regional multipurpose government for the so called nine Bay Area Counties He was unsuccessful There still isn't one, I don't know whether anybody's trying to do it anymore or not

Basically, I sort of favored the idea, despite the fact that

members of the boards of supervisors in Napa and Solano Counties which I represented, didn't like it. Although I didn't like a couple of the instruments that John chose to put together, in other words, I didn't always like the way he was trying to do it. We studied that and held hearings in all of the counties and it was interesting. It partly fit with the fact that I'd had experience in local government before getting to the legislature.

I don't know where the regional government move is. The theory of it was that we have special regional governments such as BART which is a three county transportation Metropolitan Transportation Committee.

HICKE East Bay Regional Park District

DUNLAP East Bay Regional Parks, the Bay Area Air Pollution Control District for other special purposes. Those are just examples. And that it would be more efficient and better coordination, better planning better policy to have a general multipurpose regional government. I don't know, it just hasn't happened. There are areas where things like that have occurred.

The one that pops into my head first is Greater Victoria, British Columbia [Canada]. The city of Victoria and surrounding communities have a regional government of a sort. I don't know.

the details

HICKE Does it work?

DUNLAP Well as I recall, it did But that sometimes is a matter of opinion

HICKE Sure [Laughter]

DUNLAP And I haven't lived up there so I don't know

HICKE OK In 1970, you were on the Joint Committee on Educational Goals and Evaluation

DUNLAP I don't remember much about that

HICKE It went along with your other educational committee work probably

DUNLAP Yes I suppose we held hearings and studied things, that it helped bring along new ideas, but I don't remember

HICKE OK, and then by '71

DUNLAP That obviously was incidentally an attempt at some kind of oversight, just from the name of it It fits with my [Laughter]

HICKE Yes your other thesis

DUNLAP Yes [Laughter]

Revenue and Taxation Committee, Assembly

HICKE In '71 you were on Revenue and Taxation

DUNLAP Yes Well, I had wanted to get on Revenue and Taxation Senator Alan Sieroty and I during the first two years we were in the

assembly became very active in the field of tax reform. Tax reform was a major thing going then, and although I hadn't gotten on the committee nor had Alan, we both wanted very much to get involved in that. Incidentally I think probably starting with the second term I wanted to get on that committee, but there was no way. Monagan wasn't going to let me be on Natural Resources, he wasn't about to let me be on Rev and Tax.

Anyway Alan and I had introduced several bills. We had some fringe benefit bills that were trying to create greater equity for senior citizens, I think that actually went through and were signed. But there were omnibus bills introduced by the administration, by Jess[e] Unruh and by others for major tax overhaul. Those bills some of them made it and were signed.

Alan and I had some other alternatives. Our bills might have been somewhat what's the word? quixotic, in that we were tilting windmills, to some extent, but we really felt that they were important ideas we had. One for example, we felt that the capital gains exclusion was a very unfair thing.

Capital gains, of course represent the profit between the purchased price and the sales price of property be it stock or land or whatever. And that of course is income. Well, under the old

rules that was only taxed 50 percent, if you held it for more than six months, as I remember

So what you have is somebody works with their hands or their body or their brain, and produces through one type of labor or another and gets paid for it then all of what you earn from that type of labor or from labor period, is taxed. If, on the other hand, you just get lucky and have a windfall profit from land going up in value when you buy and sell it only half of that's taxed. Well we really said that that's just downright immoral that the person who works through labor gets taxed for all of what they earn and somebody else gets taxed for half

HICKE Isn't that part of the use of tax laws for political reasons rather than financial political goals rather than financial?

DUNLAP It was a gimmick of the wealthy people

HICKE It doesn't have anything to do with attracting investment of capital?

DUNLAP Well that's what they told you. But finally, the one good thing the Congress and Reagan has done in the last few years 1986 is eliminate the capital gains exclusion. And of course I didn't like the general bill and many of the other things that happened, but that's finally happened. You still see people investing and they

haven't stopped doing that overnight. They want it back again, of course. But No, we used to get letters from financiers and lawyers giving us that argument, saying "Good heavens, how will we ever have capital formation? We'll never have any jobs. You guys think you're for the working man. Why, you're going to drive him out of work, and all of the capital will leave California," and things like that.

You know, there are too many people here, too much of a market, too many other things going on for that type of thing to control. Depending on. And I'm not against selective loopholes or selective incentives for certain businesses at certain times, if they're doing a job that's particularly important to the public. Like if they're willing to go into a ghetto and open a grocery store where there's obviously inadequate service. Or if they're willing to develop something that's particularly risky, but is essential to the public good, for a limited time. Something like that, where you have control. But when you just have a blanket thing that says "No matter how you make the money or what public purpose is involved, we'll give you a break." I don't go for that.

HICKE So did you carry a bill to

DUNLAP Yes, we had alternative tax plans which involved major changes in

many things. We would have put some additional brackets on the top of the income tax, we would have eliminated the capital gain exclusion and a couple of other things. I don't remember exactly what. But those were two of our major areas.

HICKE: One was a constitutional amendment eliminating the requirement for the two-thirds vote of legislation.

DUNLAP: Oh, that's different. That was not part of Alan's and mine special. We may have introduced a bill on it somewhere in assembly, but it wasn't part of our omnibus tax bills.

HICKE: OK, so go ahead back to what you were talking about.

DUNLAP: Well, we tried that several years in a row and we helped. I think create a little bit better thinking. We were a force shooting for the sky and maybe bringing some of the other thinking a little bit nearer the sky for that reason. I don't know. We knew that we weren't going to succeed but we thought we might. Oh, I don't know, you never 100 percent know you're not going to succeed. A little of you has to believe that there's some possibility, or you don't do it. But we pretty well knew that.

HICKE: How did your constituents feel about this? Were they supportive?

DUNLAP: Well, mostly they appeared to be. At least those that got back to us. As I tell you, we did get letters occasionally from people.

saying, "Well, you're going to eliminate the opportunity for capital formation and business incentive." We also introduced a bill to provide for an oil severance tax as part of our general plan.

I heard from what was then Humble Oil [Company] is now Exxon [Corporation] in Benicia where there's a major refinery. I heard from them in no uncertain terms that they were very unhappy. But that didn't bother me too much. I remember when I got that letter and writing a lot of letters to some of the other people in the community, calling attention to the general problem, and recognizing that although Humble Oil didn't like it, I thought it was for the benefit of the people, and benefit of . . . I was defensive about it on purpose, but it worked. It was all right.

HICKE: Was that a technique you used fairly frequently, to write letters?

DUNLAP: Well, when I felt I was in trouble, I tried to do something about it. That's probably another reason that I wasn't reelected in '78. I was too busy doing other things to bother to defend myself as much as I should have, and I neglected doing things like that.

HICKE: Would you also go and talk to groups, or did you stick to letters?

DUNLAP: Yes, sure. There were the typical service clubs, like Rotary, Kiwanis, Lions, and people like that who are always hunting for speakers. When the legislature was not in session, or when I had

time to drive to the district when it was in session which was of course possible some of the time because of living right in the district, and the capitol being so close why I did that I would talk about things like that, and try to present my side to a group that maybe didn't see my side

Or when I knew I couldn't succeed at that I might tell them about some of the other things that I was doing that I knew they would agree with so that they'd recognize that although I might have horns, I wasn't totally their enemy

HICKE No tail [Laughter]

DUNLAP Yes right So yes, I did a lot of that And when I gave a speech like that somewhere, as I got better at it and the operation was better, I would also issue a press release to the local papers I kept part of what I wanted to say covered in that way So thereby reaching more than the sixty or seventy people that I might be talking to

HICKE Well back to the tax packages How did you try to get support for these?

DUNLAP Well we got co authors, and occasionally we got some help from organized labor, working with us helping us I think maybe we got some help from the League of Women Voters I know I did

later in the senate, if not at an earlier stage. Sometimes oh yes. Some of the educational organizations, California Teacher's Association, recognized the need for additional funds and some of our legislation is not only. Some of the time what we would do would be to seek to raise more money for causes that we thought needed it, such as education. Some of the time our legislation was calculated to try to raise taxes in certain areas and lower them in others, such as reduce the sales tax by half a percent or something like that.

We did this type of thing three or four times and I don't remember the detailed package in each case. You speak of the constituents. I remember once agreeing. Alan felt that the tax on alcohol and beer and wine should be increased. I remember being somewhat reluctant to do it on wine [Laughter], and I think we did. But I said "Only will I do that if we make sure that all these other alcoholic beverages are included within it, too."

HICKE And put that one in fine print.

DUNLAP Yes. I didn't emphasize it. [Laughter]

Tax Packages in the Seventies

HICKE Well, there was a whole ferment throughout the seventies of the tax problem leading up to Proposition 13 obviously. Can you tell

me what else was going on in the assembly, other people were introducing tax packages?

DUNLAP Yes Other people that were involved, Senator George Miller in the senate I was not in the senate then He was one of the powers He was chairman of the Senate Finance [Committee] at the time I think Anyway he was involved as one of the people And Senator George Deukmejian was involved in some of the things I think he carried the governor's tax bill in '67 and '68, which ended up being the one that passed, although we got some modifications in it so that it wasn't It was partially a bipartisan bill

Assemblyman John Venneman was chairman of the Assembly Rev and Tax Committee John was a Republican was a fairly liberal Republican There was some closeness and cooperation between him and the speaker that I never really quite understood thoroughly [Laughter] The speaker, of course was Unruh, who was a Democrat That was only I think the first couple of years Venneman then went to Washington and the [President Richard M] Nixon administration after that I'm trying to remember

HICKE Were the public beginning to get up in arms about taxes?

DUNLAP That hadn't really started so much in the seventies, although the idea of some property tax reform was prevalent then And we did,

in 1968,¹ in the bill that passed create the first homeowners exemption. Alan Sieroty and I had had something like that in our bill. What of course was going on among other things was the rising property values. Property taxes were based upon the value of property and as the value of property went up so the taxes went up. Property taxes in some areas were going up 25 percent a year.

Well that's fine for some kinds of business properties where income and the ability to pay is going up too. But for a homeowner, it's a little tough, of course, because they bought the property at one value and figured what tax they could pay. Although they're very happy to be able to own property that's worth five times what they paid for it they're not happy to pay five times as much tax.

So it was a difficult problem. That basically of course is what our homeowners' property tax exemption was intended to counteract. But it wasn't sufficient. The dam broke in '78 with Prop. 13.

HICKE In '68 there was the Watson Initiative Proposition 9.²

1 1968 First Extraordinary Session Cal Stat ch 1, p 7

2 Initiative 9, Limitations on Property Tax Rate was defeated November 5 1968

DUNLAP Yes Was he the L A assessor?

HICKE Yes Philip Watson

DUNLAP Yes That was of a similar nature, right

HICKE That was requiring property tax revenues be used for property related service only

DUNLAP Yes That I d always thought was kind of a phony, and I still think so A property related service what is a property related service? Well, what they were thinking was that that meant police, fire, things like that But on the other hand, if you think of maybe jails are they a property related service? People go to jail because they steal property So you know, if you use your legal imagination and twist things around a little bit there's no real good line as to what is a people related and what is a property related service Education is supposed to be a people related service, according to that theory, and therefore education should be taken off the property tax That was part of their argument And about half the property tax was used for education at the time

Well, on the other hand in education we teach things that are related to property And for that reason, that appeared to break down too So I never liked that as a distinction But it was a simple argument to make and was very popular

HICKE It didn't make it

DUNLAP No it didn't make it

HICKE And then in '72 was what they called Watson II, Proposition 14,¹ which specified increases for sales, liquor, cigarette and corporate income tax. The legislature again tries to respond with S B 90, but I don't think

DUNLAP S B 90² was a compromise between Reagan and [Robert] Moretti. I didn't like certain features of it and I voted against it. But it passed.

HICKE OK. And then I have a little chronology here. By '76, Watson and Gann are collecting signatures for a property tax initiative but they didn't get it that year. In '77, the legislature attempted to pass a tax relief bill but it collapsed.

DUNLAP I'm sure. [Laughter] A lot of them did.

HICKE So along those lines, do you remember any battles? By that time you were in the senate.

1 Initiative 14 was defeated November 7, 1972

2 Property Tax Relief Act of 1972 1972 Cal Stat ch 1406, p

Senate Revenue and Taxation Committee State Surplus and Tax Relief

DUNLAP I was in the senate and I was on the Revenue and Tax Committee in the senate There was a general recognition on the part of many of us that we were in trouble, and that something like Prop 13¹ might pass if we weren't responsive somehow And there were all sorts of attempts made

There was, in my opinion some culpability responsibility, let's say (culpability's kind of a mean word) responsibility on the part of the governor's office in failing to either recognize the state surplus that existed or recognizing it and wanting to hold onto it and not use it for tax relief of one sort or another It should have been done and had it been done we might not have had Proposition 13

There also, however, wasn't just the governor's office It was within the legislature ourselves We had different ideas of how this should be done I remember supporting a couple of fairly wild ones, one by Senator Behr, which would have provided for a major new source of revenue to be used to reduce the property tax by

¹ Proposition 13 was passed in June 1978 It is called the Property Tax Limitation Initiative It is officially cited as California Constitution, Article XIII A

creating what in effect was a sales tax on land. So that when land is sold and transferred there would be a substantial tax. I don't remember how much it was. At the present time, there is a transfer tax when land is sold, one tenth of one percent, one mil. So it's practically nothing. That is maybe used for county administrative services or something.

But you know there's a 6 percent or more depending on whether you've got special taxes like 6 1/2 for BART or maybe 7 in some areas. I don't know on the sales goods. Why not tax the sale of land? This way for homeowners who are buying new homes, it will tend to restrict the sale of new homes which is a little tough. But on the other hand, at least there's some activity going on there. It's not a constantly rising tax on somebody who can't do anything about it. You don't have to buy the new home. At least, unless you. You may not have to buy the new home. When somebody is forced to move and so forth, why they may have to do something. But at least it was looked upon as more desirable than that.

I think we passed that bill in the senate and it was defeated in the assembly. And there were various attempts to try to do different things, and I forget what they all were. But they failed.

HICKE But there was a sense in the legislature that something needed to be done?

DUNLAP Yes

HICKE Why couldn't they get anything done?

DUNLAP Well, I don't think we really realized how bad it was. So I think we underestimated the problem. When I say we, I mean collective, because I'm sure some did.

[End Tape 7 Side B]

[Begin Tape 8, Side A]

HICKE The governor's office wasn't entirely candid.

DUNLAP Wasn't entirely candid about advising of the surplus or sharing it or generous in sharing it. Of course the governor had to sign any bill we produced. And third, we just couldn't get together on how we were going to do it. In other words people like Alan Sieroty and me, who incidentally was in the senate at the time were still looking to eliminate the capital gain exclusion. We thought that was important. And somebody else thought something else was important. And we just didn't get together. That's all. I can't give any. I don't remember enough detail to be more specific than that. But it's an explanation of three reasons, I guess.

I might talk about one other thing while we're on Rev and Tax

and that's this constitutional amendment that you mentioned. This tax cut act of '78 that you've shown me this clipping about, that's not one that I'm terribly proud of. There wasn't anything wrong with it, but basically this article is sort of correct where they say that Assemblyman [Lawrence] Kapiloff and I were anointed by the Democratic leaders of the legislature to be sponsors of the sure to be popular tax cut package. We were both facing very tough elections, and had both been targeted for defeat by the Republicans.

These were changes that we knew would be popular, that were going to pass. So we were given the opportunity to be the authors of it. They were not of my necessary philosophic creations, or anything. I don't even remember now exactly the details. But whoever wrote this article was perceptive. [Laughter]

Constitutional Amendment, 1975

HICKE: Well, you were going to talk about the constitutional amendment. Is that the same one?

DUNLAP: Yes. There had been in the California constitution since 1910,¹ a clause which said that in order to tax or change the tax laws

¹ Second Extraordinary Session 1910, SCA 1 ch. 1, p. 16; ACR 4 ch. 2, p. 21.

relative to banks, corporations or insurance companies, required a two thirds vote of both houses of the legislature. Elsewhere the idea was that in order to pass tax legislation generally, it only took a majority vote.

Now, that means that in order to tax people with an increase in the income tax, or to tax people indirectly through an increase in the sales tax, it only required a majority vote. But to increase the insurance gross premiums tax, or to increase the bank incorporation franchise tax, took a two thirds vote.

Well, that's just plain damned unfair. Here are these vested interests of corporate wealth who got this special protection for their own benefit in the constitution. That went through incidentally at a time. I've never quite understood exactly how that got through because that went through in a [Governor] Hiram Johnson time. But it involved something else that was going on at the time. I think. Most of the taxes before that had been taxes on property even at a state level. I think it was some sort of a compromise in order to get through other things which were beneficial at that time. But I don't know exactly what happened.

But anyway, certainly looking at it during the entire time I served in the legislature, and long before that, it had no, what I

considered fair public purpose, and was the opposite of tax equity

We had introduced bills in the assembly, I had introduced bills to try to get that repealed. I think the first couple of years, they were defeated in the assembly. Other authors had been trying to do the same thing, I wasn't the first one to invent this wheel. I'm sure Sieroty and I did it together probably a couple of times. But we were unsuccessful.

Finally one time when Moretti was speaker we got it through the assembly as A C A 13. Of course, this took a two thirds vote to change because it was a constitutional amendment so you couldn't just get it through with a majority vote because a constitutional amendment requires two thirds vote of both houses for the legislature to put it on the ballot. Moretti helped me get the last vote for two thirds in the assembly.

So, it was tough and then in I think probably '73 or '74 I got it through the assembly, and it was defeated in the senate. Well when I ran for the senate in '74 it was one of the things I talked about in campaigning. I said my idea of running for the senate was a change of direction. I meant a change of direction not just for me, but for the senate. I wanted to be one of the votes which turned various things around and turned the senate into a more

responsive body And that was one of the things I talked about

I think I had carried assembly constitutional amendment number thirteen in 1973 or 1974 which was the one that was defeated in the senate, for this purpose, to make this change and eliminate this two thirds vote Well finally I was elected and so the very first bill I put in was senate constitutional amendment number one¹ to eliminate this two thirds vote and provide for a straight majority vote for everything

And after a lot of work on the closing day, the final day of the session in 1975, we got the two thirds vote and got it through the senate It was tough I knew that I almost had it, and one senator from Los Angeles, Long Beach actually, Senator [Joseph M] Kennick was recovering from an operation He was my two thirds vote He couldn't come up for that purpose, and he called another senator and asked the senator to change his vote as a courtesy to him That was partly This is where the governor's office became involved because the governor requested him to do this requested Senator Kennick to make this call The guy did and he was mad

¹ Senate Constitutional Amendment No 1, 1975, Cal Stat Resolution ch 126, p 3832

HICKE He didn't want to change it

DUNLAP No he didn't want to, and he did it as a courtesy to this guy, this other senator, but not for me [Laughter] He was mad at me

HICKE The wrath came down on you

DUNLAP Yes And you know, that's all right

HICKE You got your bill

DUNLAP I didn't like it but it was important enough to have gotten it done I doubt if he ever voted against me because he was angry at me or anything like that

HICKE Who was this?

DUNLAP Senator [John] Holmdahl from Oakland Alameda County He might or might not remember It was more important probably to me than it was to him, because it was a positive thing I spent literally a couple of hours trying to talk him into voting for it He actually was chairman of the committee, of the Rev and Tax Committee So it passed the senate and the next year it passed the assembly and was concurred

HICKE A couple of questions does this often happen, that the governor

DUNLAP No In his own bills, something like the ag labor bill, he would have been involved And I don't know whether the governor

actually called Senator Kennick or had somebody in his office do it. But I didn't know Kennick too well myself at the time, this was my first year in the senate. So that I wouldn't have wanted to ask him that myself and I don't know what. It worked, anyway.

HICKE As a corollary, do senators, is this a rare thing, that they would request it?

DUNLAP I'd say it was relatively rare. I was never asked to do it, and I would be darned if I would on an important bill. I wouldn't do it for anybody. If it was a bill that my own commitment said I really don't like, and I had made a deliberate decision not to do, I can't say I wouldn't, because you never know what all the possible circumstances might be, but I can't think of the fact that I would do that. If it were something that I didn't have a strong conviction about, why I might, sure.

HICKE And I suppose the person who asks for the courtesy then owes one in return. You never know when you're going to have to come up with.

DUNLAP Yes, you've got to kind of think that might happen, and that's a good reason not to do that, yes.

HICKE So maybe Senator Kennick might even have had a few second thoughts.

DUNLAP Who knows? Yes [Laughter] He was a relatively independent guy and I don't know for sure I'll finish the story of the constitutional amendment it passed the assembly the next year There was another bill going in the assembly similar to mine which had passed, but mine became the vehicle that we used

It went on the ballot in June I think it was Proposition 5 in June of '76¹ Fortunately, at that time there was another major bill on the ballot that involved large financial interests that they didn't like and they were fighting it I forget what it was It may have been an environmental bill relative to new atomic power plants or something

But anyway, the corporate insurance bank type interests were not involved and they put forth a relatively small campaign against this With the help of the League of Women Voters and organized labor we raised maybe \$50,000 or \$25,000 not very much money and had a relatively nominal campaign It passed with about, I don't know, 58 or 60 percent of the vote So we were pleased

HICKE What were the results?

¹ Proposition 5 was passed in June 1976 It is officially cited as California Constitution, Article XIII, Sections 27 and 28

DUNLAP That's the problem Of course in 1976 that was just two years before Proposition 13 and it really didn't have time to work The results were practically nominal

One of the provisions of Proposition 13 which was not as well known as those that related to the property tax was the requirement of a two thirds vote to raise any taxes in the state legislature And so incidentally repeatedly over the years as we worked on this bill, people would say, "Well, I think it's unfair for corporations to have that advantage, and I'll vote for a two thirds vote for everybody " So that the same requirement pertains to any tax

And we would consistently say "No, we don't want that We believe in the principle of majority rule, and that there should be a majority vote not a two thirds vote on anything " One would think ordinarily that if you were out to protect taxpayers, that a two thirds vote would protect taxpayers better than a majority vote because it's harder to increase taxes to get a two thirds vote than it is to get a majority vote At least that's the simple way of looking at it

But it doesn't, practically speaking, work out that way because you know there are going to be tax bills that get through, and tax

changes and tax overhauls and things like this that are going to happen. If you have a situation where a minority can block a bill then that minority is going to use that for the protection of a special interest and that's what's happened.

HICKE In effect, it provides for minority rule.

DUNLAP Yes. I made the argument on the floor of the senate that this type of thing would provide for the tyranny of the minority. A Alan Post once again the oracle of nonpartisanship, agreed with that argument. But we've got it now and we've had it with regard to half of it and now we've got it with regard to everything, which is unfortunate, I think. But that's the way it is. Some things are. I don't know that may have just about told that story.

Tax Revolt of the People, 1978

HICKE Well getting back to the so called tax revolt of the people, which ended up in '78. I wanted to ask you if you think that this tax revolt was a result of people's negative feeling about the government spending or about high taxes or about both?

DUNLAP Both. A combination. I think.

HICKE Because polls revealed that they wanted the same amount of services.

DUNLAP Oh, well, sure. [Laughter] That's one of the reasons, of course,

that There are very few people that are out to reduce spending The governor has some responsibility to see a balanced budget exist of course, and we all do that In state government a balanced budget with certain minor exceptions, must exist, because we can't print money So you either have to have a balanced budget or go to bonds or something like that to put the cost off into the future

So that I think it's natural that everybody wants something for me and nobody seems to think of the general welfare which has to be reduce taxes or hold the taxes down That's at least one aspect of it That's one of the problems of government and I don't think it's new It reached a high point in '78 probably because of the rise in property values that I mentioned, and the exceedingly high homeowners costs that were developing There I'm sure were some other factors involved

HICKE The surplus was that?

DUNLAP Yes There was plenty of talk about surplus That was wrong, we should have figured it out and we should have recognized the importance of it, but we didn't Once again I say "we" collectively

HICKE Well the legislature

DUNLAP Yes The legislature and the governor The combined decision

making process

HICKE Is there any way you think this could have been avoided, or could be avoided in the future?

DUNLAP Well, yes, there are some What Proposition 13 did of course was place a limit on the property tax of one percent One percent of the value as of a pegged date 1977 or whatever that was What also it did was provide that new homes not get, or that a home not take an increased value for property tax purposes unless and until it's sold Except for a one percent increase per year

What it also did was limit the right of the legislature to raise taxes and requiring the two thirds vote And then some other things passed after that that made it even more difficult

Somewhere along the line, we should have put some sort of a cap on the amount that local government might spend through the property tax so that the pressure on homeowners be reduced in one way or another I think that would have tended to eliminate a lot of it People were just out and out afraid of taxes

That could have been done by taking over a substantial part of the cost of education It might have been the best way to do it We ended up having to do it anyway of course It might have been done directly, and a more deliberate process might have

evolved I don't know it's hard to take it all back and figure it out now But I think things could have happened better than they did let's put it that way if we had hindsight That tells you that

HICKE One former legislator told me that he thought that the legislature was really almost powerless to act on major issues and that's why they so often went to the initiative

DUNLAP Yes Well that's happened a couple of times and that's one of them I don't generally like the initiative process, for the reason that I mentioned to you earlier about getting a lot of details in the constitution Because most initiatives are usually constitutional

The one time that I made the personal exception and became highly involved Well I went along with the ag labor bill as I mentioned But I also told you about the coastal initiative in 1972 where we had been stymied for several years in a row and unable to get anywhere and as a result went to the initiative process I think that statement goes just a little far about saying that the legislature is paralyzed on all major issues but sometimes that's true

HICKE Well thank you We've gone a long ways today

DUNLAP OK

[End Tape 8, Side A]

[Session 4, October 26 1988]

[Begin Tape 9 Side A]

VII LEGISLATIVE REFORM

Full Time Legislature

HICKE I'd like to start this morning by asking you to talk a little bit about legislative reform. First of all, what are your general ideas about how it came about and its effectiveness, and your participation in it?

DUNLAP Well, I guess you're thinking of the two year sessions rather than the annual sessions and that was one in particular. I don't remember having any particular input into putting that together or developing it, but it certainly was something I supported.

HICKE Actually, it started in '66 which was your first year in the assembly. I think.

DUNLAP Well, I was elected in '66, my first year in the assembly was '67.

HICKE So it was already in place.

DUNLAP Yes. The one that. That was a major reform to the extent that it in effect created what they call the full time legislature. The most

major change in that I guess was raising the salaries to what was then considered an existing A salary that one could live on, \$16 000 I think it was Something like that And [it was] basically declared to be a full time job, which some people took it to be, and others didn't

The governor was there all the time I mean he may travel around, go to other states and conferences and he may take a short vacation but basically it's a full time job and he's there If the legislators are only going to be around a relatively small part of every year and otherwise back in their home districts practicing law or running insurance companies, or working as druggists or farmers or what have you they're not going to have as much information as the governor, and they're not going to be as well informed As a result of that, they're going to be at a disadvantage when it comes to dealing with the governor, regardless of political party which sometimes of course makes the division between the executive and legislative branches even more unharmonious

There is some tug and pull between the governor and the legislature anyway I spent of course twelve years in the legislature eight years with a Republican governor, as a Democratic legislator and four years with a Democratic governor, as a

Democratic legislator The tug and pull was still there to some extent with [Jerry] Brown that had been there with Reagan

The executive in order to Well, you can't look at yourself You can't observe how poorly you're doing as well as somebody else can do it for you There's a conflict of interest and you just can't criticize yourself that well, you're not that good at it [Laughter] And that's one of the functions of the legislature It's going to do it better when it's got a political reason to do it but it's going to do it anyway

HICKE You mean it's going to evaluate itself?

DUNLAP No It's going to evaluate how well the executive is functioning

HICKE Oh, the executive Yes

DUNLAP Yes Number one the legislators are scattered throughout the state and people come to see us about problems So they're called to our attention If we're on the job full time and have staff that are working full time, we're going to be better able to do that job

So, despite the fact that I see disadvantages in a full time legislature which have cropped up to some extent I think it's more advantageous than disadvantageous

HICKE What are the disadvantages that you see?

DUNLAP Oh well, legislators have a slight tendency, more or less to lose

touch. They're at the capitol more of the time and in their districts less of the time, and there are so many things going on that you don't listen to people as much as you might otherwise. There's a tendency to sort of inbreed. (That's a word that needs a little definition!)

Instead of legislators coming from the districts as such, sometimes you'll find legislative staff people who work at the capitol maybe never have lived in a particular area but want to get involved and become legislators. They move into that area for whatever might be the required period of time to qualify (I don't remember what that is) and run from that district. They're sharp, they have staff people whom they know at the capitol and give them information, and sometimes they succeed in that. I can't help feeling that that is not exactly how things were intended in the first place. I mean I know it isn't how they were intended and I'm not sure that it serves the people as well.

HICKE Did you see much of this urge to make a full career would perhaps push people beyond the boundary that they might otherwise have stopped at?

DUNLAP Yes. Sure. I think that's necessarily incident to the idea of full time, because there are probably some businesses that tend to run

themselves where you hire somebody to run your business for you and maybe it takes a couple of hours a year, or a month to get together with him and give him a little guidance, and that's the way it goes. But in those areas that involve personal service such as the law business which I was in, or most of the professions, you can get away with that a little bit, but not very much. So, as you tend to devote more and more of your time to the legislature, you've lost your base. Maybe you have a little income here and there from something but you don't have a great deal and you don't have anything else to do.

So if you're defeated, you're faced with a major career start over again, which maybe some of the time you want, but most of the time you probably don't. I mean if you do all you have to do is quit of course. So I think that is a result of the full time legislator also.

And not 100 percent good, but I still think, as I said, you have to. You can't deny disadvantages but I think probably it's a little less than it should be. Maybe some of these things, you can't tell maybe they have to be changed from time to time and you have to shake the dice in the box a little bit and change the rules as problems develop, and not get in a fixed position with regard to

certain policies. They're not immutable necessarily.

HICKE: Can you cite any specific examples of how the disadvantages worked, or the advantages?

DUNLAP: It's hard for me to do that right now. I mean, I could do it, but I'd have to spend some real time on it. And it would involve value judgments about certain legislators who have been there too long or who don't give a darn about policy just act in a way to stay there as best they can without trying to really lead at all. I don't want to single out individuals. I would have a hard time doing it now anyway, because I'm not in touch with what's currently going on and my memory would be too fuzzy on those I might remember that were that way. But that's certainly a disadvantage that crops up. I don't think it used to be major but it existed.

HICKE: Before the reforms?

DUNLAP: No, after the reforms. When I was there.

Continuous Sessions

HICKE: OK. Well, what about the continuous session changes then?

DUNLAP: Well, that's a good thing but it's not really major. You know, the idea was to speed up the process to some extent so that you didn't have to reintroduce bills every year and have them go through. If you introduced a bill in one house, and it got through that house

the first year and it didn't get through the second house then you could continue with it in the second house the second year, rather than have to start over and go through all the committees again

That saved some time and created a more deliberative process where important bills that still had a lot of needed time to develop work the kinks and problems out of and develop the constituency you had a longer period of time to do that So by being more deliberate about it, you actually saved time and energy and effort and so forth I think that was a good thing I don't think the results were tremendous or anything like that But it was good Not great but good [Laughter] Nothing wrong with it but just, it wasn't a solution to all the problems No one thing usually is When we're trying to sell it, sometimes we oversell it a little bit

HICKE You introduced the resolution to permit prefiling of legislation

DUNLAP Yes I saw that and I remember it, I don't remember exactly what happened The idea is that the Constitution requires thirty days that a bill must be introduced and in print for thirty days before a committee can act on it or any action can be taken on it, unless you get an extraordinary vote of both houses of the legislature to waive that provision I think an extraordinary vote is three quarters of both houses Which, of course, is done from time to time on a

real emergency, which everybody tends to agree on. But ordinarily [it] isn't done and shouldn't be done.

The idea was that in the first months of every session, there's a lot of waste of time. Bills are introduced the first day or the first week, and they have to wait thirty days and there's nothing for the committees to do during that period of time. With a one year session of course that happens every year. With a two year session it happens every other year. So it seemed important to me that that philosophy or that opportunity be adopted regardless of whether you had the one year or the two year session. I forget what happened to it to tell you the truth. I don't really remember.

HICKE: Well, that's in the record.

DUNLAP: Yes.

HICKE: What about the loss of interim sessions?

DUNLAP: Well, there really wasn't a loss of interim sessions because although we were in continuous session in a sense we were normally recessed from September to December. Either September 1, roughly, or September 15 to. Well, you had half of September at least all of October and all of November. So you could have interim hearings all right. And we still did. It maybe cut down on some of them and some of them probably weren't particularly necessary.

anyway

There were those that used to criticize the legislature for holding interim hearings unnecessarily just so that members could travel to certain places and pick up their per diems. And I think that probably happened to some extent. At least those were partial motivating factors. I remember before I was in the legislature noting that they always had a lot of hearings in southern California shortly after New Year's and one thought maybe that had something to do with people wanting to go to the Rose Bowl and things like that.

I think that's the kind of thing that gets overdone and looks pretty bad when you read it in the papers. I doubt if it happened enough to be terribly important. But I'm sure it did [happen].

HICKE That's the sort of thing a reporter would pick up on right away, even if it only happened once every ten years.

DUNLAP Yes, sure. Right. I can't remember myself ever being influenced by, or having a committee hearing for that purpose, although from time to time we might schedule them to try to suit the convenience of members. We'd want to have as many people there as we could get. Because very often, you'd have an interim hearing and you might only have three or four people out of a committee of ten or

eleven

That serves the function of giving the public a chance to speak and edifying a community as to what's going on in a certain area, but it doesn't educate as many legislators. That function is not as well fulfilled.

Responding to Constituents

HICKE: What kind of efforts did you make to stay in touch as opposed to perhaps your predecessor who wasn't in continuous session?

DUNLAP: Stay in touch.

HICKE: With your constituents.

DUNLAP: Oh.

HICKE: Did you have an office here?

DUNLAP: Yes, oh yes. Well, I made a major effort to stay in touch and I don't know just about how much my predecessor did. I didn't defeat him; he tried to run for the senate and was defeated and left his seat open. So I was not. I think that along with the continuous session we increased the amount of money that was available for district offices. Now that's something you'd have to look at.

As I was there longer and longer, my amount of money that was available to me to spend on district offices increased. That's

probably partly because it was increasing for everybody, partly because I was there longer and getting more seniority and able to do it. When I first was elected, I had an office in Vallejo which was the largest city in the district of Solano and Napa counties. My law office was in Napa and I saw people in Napa occasionally at my law office which the state didn't pay anything for.

After I'd been there a few years we enlarged the law office and I got one office separately, which the state did pay, I think \$100 a month for, or something like that. My secretary would come there one day a week, which was usually Friday and I was usually there at least part of the time. Sometimes I was at both offices on Friday.

Then I think as time went on I got another secretary and had two full offices one in Napa and one in Vallejo. Then when I was elected to the senate a much bigger district and the allowances were much more liberal I had an office in Santa Rosa, Napa, Vallejo, Woodland and then my Sacramento office served as both my legislative office and a district office for that part of Sacramento County that I represented. So I had an office let's see Santa Rosa, Vallejo, Napa, Woodland, an office in every county, and a permanent secretary in each one, and a couple of administrative assistants who

Well, actually three who divided their time between the capital office and the district offices

HICKE Did constituents contact you with fairly substantive issues? Or did they want a pass to see the capitol or something like that?

DUNLAP Oh I didn't even see those that wanted a pass to see the capitol [Laughter] I mean, I might have when I was first there and didn't have much to do, or know of them But there were a lot of substantive issues yes Sometimes they were substantive issues that they were interested in just because they were interested in good government Often however they were problems that they had with state government and they wanted some help The Department of Motor Vehicles swallowed their driver's license, or one personal thing or another The Department of Employment [Development] wouldn't give them their unemployment insurance or you know all sorts of individual problems some of which were justified and merited and some of which weren't We had to look into each one and find out

Sometimes by those things, you always tried to assume that they unless you could tell by how people act of course, that they're cranks, and if you were to put them in the middle of Shangri la they'd have trouble But we'd assume that they were right and that

the government was wrong and look into it and find out and make the departments show that they'd done their job and treated them fairly And sometimes of course the problem and I can't think of a good example just off the top of my head would be one which wasn't because some person in government didn't do their job right but was systemic In other words, there was a problem with the way the thing was organized There was an unfair feature in a law So as a result of that you developed a new bill to try to correct that

Sometimes you found that somebody in a local office was doing their job right as they'd been told to do it, but somebody up higher echelon in Sacramento had told them wrong Then you had to get on somebody there and try to say "Well, look, I thought it ought to be done this way" Sometimes you'd have an argument sometimes they'd change their minds sometimes they wouldn't [Laughter] But that's an important feature of the office Although it was pesky, and it took a lot of time I think it served a function

Ways of Developing New Bills California Library Services Act, 1977

HICKE Well, speaking of developing new bills was that a fairly frequent way that that would come about, and what other ways would you develop new bills?

DUNLAP Well I guess there are different sources of legislation Some are just your own philosophy about how government ought to operate Some might come from constituents giving you ideas as to how things should be changed Once in a while, one would come from somebody in the administration who when you're in contact with them for one reason or another [would] point out to you that this law that they passed last year is a good one, but it unfortunately does this as well as this and this needs to be changed Of course lobbyists are a major source of legislation Those are probably the principal ones

HICKE Well I have a list of some of your legislation that I gleaned from newspapers I might just ask you about a couple of them In 1977 the California Library Services Act SB 792¹ Was that significant?

DUNLAP Yes it was The county librarian in Napa County is a friend of mine over a long period of years The Organization of State Librarians developed a bill and she was a member of that organization and I guess a member of their executive committee or something Anyhow, they asked her, I guess because I was chairman of the Education Committee in the senate at the time and

1 California Library Services Act, 1977, Cal Stats ch 1255 p 4741

was looked upon as one who might do well with the bill. So she asked me if I would carry it for them.

I said, after getting a general idea of what it was all about that I would. That was the case of a friend, constituent, contacting me, although it was a lobbying organization of a sort.

The bill substantially increased state support for libraries which hadn't been done for years many years but did so with certain objectives in mind that some of the money would. I don't remember the details of it now too long ago that it be done so that there would be a greater outreach for people who didn't use libraries. In addition to that an attempt to create a. You know that there are multi library service districts where they'll cooperate and send books back and forth and I forget the exact name of the

HICKE Well our county library system has that. Is it interlibrary loan?

DUNLAP Yes Well some of the money was to be spent to help that service. And to make it possible also for somebody who has a library card in one area to go into a library and get a book out in another. Now I've never done that but supposedly you can. That was one of the things. So it generally encouraged interlibrary cooperation. The library people themselves certainly think it was significant. As a matter of fact

HICKE They did, or they didn't?

DUNLAP They did Two years ago they held a (or one year ago I guess) they held their annual meeting, and they commemorated the ten year anniversary of passage of the bill and asked me to come and meet with them and so forth So I guess they thought it was important

HICKE I was just going to ask if Prop 13, then, negated some of the effects of this, but it sounds as if it's still

DUNLAP Not completely It might have been if it hadn't been for that I'm sure Prop 13 would have been worse for libraries because it did increase state support, and Prop 13 of course tended to pull the rug out from under county support

HICKE Well, that was certainly a stitch in time

DUNLAP Yes

Extension of the Rumford Fair Housing Act, 1977

HICKE Then you had a bill also in '77 to broaden the Rumford Fair Housing Act ¹

DUNLAP Yes I don't remember the details of that either, but it was just to follow through The Rumford Act

1 1963 Cal Stat ch 1853 section 2

[End Tape 9 Side A]

[Begin Tape 9 Side B]

HICKE The Rumford Act was originally

DUNLAP As it originally passed was limited in what housing it applied to. It may have only applied to publicly supported housing, which I guess included FHA [Federal Housing Administration] loans and things like that in certain areas with regard to the number of families that occupied the buildings. It didn't apply to maybe owner occupied duplexes and things like that. This broadened the coverage and eliminated some of the gaps that I guess had been originally created in the Rumford Act because it was difficult to get it through. They just made it easier to get it through. So the Rumford Act I guess passed originally back in what '62 or '63?

HICKE Sixty three

DUNLAP We were just filling some of the gaps that logically should have been filled when it was passed but for political purposes couldn't be. I don't remember the details but that was the general idea of it.

HICKE Is it perhaps that the Rumford Fair Housing Act was seen to be working and effective and so then you could broaden it in places where you couldn't have passed it in the first place?

DUNLAP Yes It was a matter of people were used to the idea When the Rumford Act was originally passed in '64 we had a referendum¹ that knocked it out The supreme court reinstated it, as contrary I believe, to the federal Constitution So we maintained it So people were up in arms over the Rumford Act unfortunately

You know, when you pass a law, it has a mandatory effect, but it also has an educational effect At least, it should I think over a period of time Well, just point blank, there is a little bit less racism than there used to be, and the existence of the Rumford Act helped make that possible As a result, we could take another step

HICKE How did you happen to get interested in that bill?

DUNLAP Well I was chairman of a select committee I forget the name of it was it Housing and Urban Affairs? Or something like that

HICKE I think I have that here [Papers rustling]

DUNLAP The staff of that select committee developed the bill and suggested it to me, and I agreed, and did it That's about it

HICKE So that's another way

DUNLAP Yes, legislative staff, sure You're right

¹ Proposition 14 was submitted by initiative and approved by electors November 3, 1964 In effect December 7, 1964 Added Section 26 to Article IV

Equalization of Teachers' Pay, Moratorium for Legislators Pay

HICKE OK In 1977 also, a bill to equalize teachers' pay?

DUNLAP Hm I don't remember that one just offhand Could you give me more of a clue?

HICKE I don't have the newspaper article that was just the headline

DUNLAP You got me [Laughter]

HICKE It was probably again as part of your

DUNLAP It was part of being chairman of the Education Committee probably and something that may not have been a major bill I don't know I mean it may not have

HICKE We don't even know what happened to it

DUNLAP No

HICKE I'll have to get the newspaper article out and find out And then also in the education line '78 that was after Prop 13 you sponsored something it was unsuccessful a pay moratorium for legislators

DUNLAP Oh yes

HICKE Oh that isn't in the education line but there was another one

DUNLAP That I think was probably a political gimmick which I felt By a political gimmick I meant a little grandstanding I was running a very tough election at the time and was targeted by the Republicans

for defeat, and actually they were successful in defeating me, of course. And I think that it was a question of. And I knew that the legislature was not looked upon with great favor by the public in general, as the passage of Prop 13 would let one know if nothing else.

We were due to receive a pay increase, because of some legislation previously passed. I forget exactly during that year. This sought to forestall it. I'm sure that part of my idea in doing it was to make myself look good.

HICKE: But also, I would think that the voters would look on that. I mean, not just in your area, but then all over the state would look on that as a legislator's attempt to

DUNLAP: Well, yes, it was passed in recognition of the general public concern. I mean, it wasn't passed, but it was introduced in that. But I can't say that somewhere along the line I wasn't thinking of trying to improve my own image before the voters.

HICKE: Can't forget that! [Laughter]

DUNLAP: Yes.

Ways for Schools to Cope with Proposition 13, Tax Refund, 1978

HICKE: And then you also held hearings, I don't know if you remember this to explore ways for schools to cope with the effects of Proposition

13

DUNLAP Yes I think I held those mostly in the district I remember holding one in Santa Rosa and one in Napa in particular Those, you know were in recognition of the fact that Prop 13 was withdrawing a tremendous amount of money from local government including schools and that schools were within the area that I was particularly interested and concerned about as chairman of the Education Committee how the heck we were going to deal with it what kind of stopgap and long term support from state was going to be necessary to take up the slack of loss of local revenue and giving people a chance to suggest specific ideas

HICKE Did people come up with any ideas, do you recall?

DUNLAP Yes there were a lot of them but I don't recall any of them in detail They were heavily attended

HICKE Were any of their ideas useful, or was this something

DUNLAP I'm sure that some of them were followed but whether they

You know they didn't just come from that source

But I don't remember details

HICKE

OK In '78 you also had some legislation about a tax refund package Do you recall that?

DUNLAP Yes I think I told you about that at the end of the time last time. It was a result of the aftermath of a legislative shock wave as a result of Prop 13, and recognition of the fact that there was a substantial surplus in the state treasury, which I don't think the governor had probably been 100 percent candid in letting us know about. It was a tax reform and rebate proposal that involved among other things in addition to that indexing of income tax. It was sort of an omnibus bill.

Somebody had to author it, and Assemblyman Kapiloff and I were given the opportunity to do so, because we both had tough elections. It was a good bill but it wasn't anything that wasn't going to happen anyway. It would have happened whether I'd been the author or not.

VIII FINAL YEARS IN GOVERNMENT SERVICE

Campaign for Reelection, 1978

HICKE Well, then, maybe you can tell me a little bit more about the campaign in '78.

DUNLAP It was a tough one, and it went on for about a year. In other words I knew who was going to run against me for a year.

HICKE Why? Why did they get started that early?

DUNLAP Well there were a lot of reasons The guy that ran against me developed early heavy financial support from the Farm Bureau and other related organizations

HICKE That was [later State Senator James W] Jim Nielson?

DUNLAP Yes I wouldn't be at all surprised if such things as the Agricultural Labor Relations Act of 1975,¹ which I was author of wasn't one of those things that got him started Recognizing my vulnerability on that issue as far as agricultural counties are concerned

The campaign of course didn't last that long, in the sense of there being candidates' nights and campaign forums and things like that going on all that time But certainly it was in the back of my head and he was out going to meetings and campaigning against me for about that length of time For me, it amounted to spending a lot of time trying to raise money

HICKE Which you hadn't had to do much of

DUNLAP Not much comparatively speaking I think maybe I told you, but just roughly I think the first campaign maybe cost \$16,000, maybe \$17 000 Eleven in the primary and six in the general And the second, maybe about \$18 000 in the general none in the primary

¹ Alatorre Zenovich Dunlap Berman Agricultural Labor Relations Act of 1975 1975 Third Extraordinary Session Cal Stat ch 1 p 4013

In the third the third and fourth maybe \$9 000 and \$10 000 or something like that in each one, relatively minor Maybe fifteen in the third, and nine or ten in the fourth

In my first senate campaign, it got up to maybe \$55 000

Well before the second senate campaign was over we had raised around \$300 000 and the opponent raised I don't know, \$350 000 or so

HICKE Who was supporting you?

DUNLAP Me? Well, the largest contribution I got from any one source was the United Auto Workers They're They were a pretty liberal labor union Just generally we agreed on or we cooperated on certain tax measures and they helped me get some bills through, and one constitutional amendment Basically, I was a liberal Democrat and they liked liberal Democrats I had substantial contributions from teachers organizations Public employees CSEA, California State Employees Association Environmental organizations They didn't have a lot of money, but Trying to raise money from people in the district here who were not used to contributing particularly And they probably contributed three times as much as they had before but it still wasn't a lot

I'd have to go back and look You know we had all sorts of

fund raisers dinners and lunches and picnics and canoe rides and God knows what all where people contributed And then some of them were individuals just going or doing and others may have been organizations buying tickets too where some of those I mentioned or some others [We] had a fund raiser down your way, given by an environmental group I don't know whether it was Palo Alto, or Los Altos Hills, or where Another in Orange County once And another in Beverly Hills And some money coming from other members of the senate their campaign funds Democrats

HICKE Who? Do you recall anyone in particular?

DUNLAP I can remember two yes [Senator David] Dave Roberti and [Senator James] Jim Mills Had I been elected I would have had to decide which one of the two of them I would have supported for speaker as this was during the time when Roberti was taking Mills on He didn't succeed that following year, but two years later he did One advantage of not getting elected [Laughter]

HICKE I have an article here about the campaign you can take some time to look it over if you want to but I wanted to ask you about the issues I don't know if it was all agriculture or what the other issues were

DUNLAP Well, you mean within the district?

HICKE Right

DUNLAP Oh agriculture, Prop 13 All of us who took strong positions against Prop 13 had this used against us in our campaigns Every constituent that voted about two days before the November election got a letter or telegram from [Howard] Jarvis, saying "Don't vote for Dunlap, he opposed Proposition 13, which you and I thought was so vitally important And so forth So that was certainly an issue

Agriculture In Solano County something I heard a lot from one of my strong bases of support, organized labor, Dow Chemical Company wanted to build a chemical plant in an area known in the Suisun Marsh east of most of the Suisun Marsh, up the river, near Collinsville, which is just a little point on the map It was a petrochemical plant I saw that as environmentally dangerous to the marsh, to the San Francisco Bay itself, and particularly to the Suisun Marsh Dow Chemical had the building trades in particular but most of organized labor in Solano County in effect in their pocket working for them to try to get the plant They put an awful lot of heat on me and the governor's office to bend the rules bend the environmental rules I never did come out against the plant, but I opposed changing the rules so they could have one So as far as

they were concerned I was against it And I guess I really was although I didn't ever say so

I said that I was certainly very clear about the fact that no, we are not going to endanger the Suisun Marsh or the Bay or the environment in general and relax rules just so you can have your plant They were hopping mad, and a lot of the business interests were hopping mad I'm sure it hurt a lot, I don't know how much

There were also some of my fairly strong liberal positions in pioneering certain things I'm sure came home to roost such as the state bank bill, and a few other things like this As time had gone on, of course I had also become more and more involved in spending time in Sacramento and working hard there, and spending less time in the district explaining to people what I was doing And particularly with a larger district, like a senate district as opposed to an assembly district, you should spend more time and I probably spent less I don't know that I would change what I did, but that's the natural result you have to figure on

Those are some of the more important things that went on Oh they called me a spender, and soft on crime, which people have always done I had consistently taken a position against the death penalty, and wasn't going to change just for one election

HICKE So maybe there was something like a momentum going

DUNLAP Yes where all of these things

HICKE kind of gathered all these things

DUNLAP gathered together It was certainly not a very good time for Democrats at all and particularly liberal Democrats Let's just say my time had come [Laughter]

HICKE Time for everything Is there any more to be said about that?

DUNLAP No probably not

Workers Compensation Appeals Board, 1978 83

HICKE OK Then after that you were appointed to the Workers Compensation Appeals Board?

DUNLAP Yes I am usually rather slow at taking precipitous action but by sometime substantially before midnight we were pretty sure I was defeated People came in and out and there was a lot of talk and so forth I didn't get to bed until about four or so, and got up about seven because I wanted to put out a swan song press release in the newspapers and the wire service and so forth

So we sat around all morning and I went into my law office midafternoon and called the governor's office to see if I could get a job There was a question of whether I would want to go back to practicing law because I was still a member of a law firm, but I

hadn't been very active as far as work goes for some time. And I really didn't think I wanted to. So I asked the governor to appoint me to the state district court of appeal, which would have been a somewhat slightly higher paying job and life tenure.

He apparently had such vacancies as existed there promised to closer friends of his and I was never close to the governor or anything. The opportunity on the Workers' Compensation Appeals Board was available and it seemed better to take a bird in the hand rather than waiting around for one in the bush.

So the following January 2 I was sworn in. So I was only without a job for about a month. But that's an example of what I was telling you about about the position you would have faced. Because although I could have gone back actively full time in my law firm and they'd have been glad to have me we'd taken in a lot of junior partners, that is several and the firm was not it wasn't in bad shape but it wasn't just rolling in cash because we were having to pay all these junior partners who hadn't really developed to carrying their own weight fully yet.

And I would have had to work redeveloping my practice, and it would have taken a year or so of going out nights to meetings and doing the same kinds of work in a sense I had had to been

doing in politicking I didn't want to do that, I wanted a reasonable salary not a lot of money and an opportunity to be home more
So

HICKE What significant things happened when you were on that board?

DUNLAP Well, there were some changes going on The asbestos cases were in full swing, asbestosis and mesothelioma as occupational diseases And development in that area it had started before I was there
Some other things I don't really remember

The first six months on that job, I worked real hard at it Not as hard as I'd worked in the legislature, but I took a couple of courses and read some books and worked to getting the background that I didn't have I was a lawyer, and qualified for the job, but workers' comp had never been the field that I spent very much time in, so I wanted to get on top of it

And I did that, and it was interesting learning about it But my personality is such that I don't quite get the kick out of being a specialist that I do out of being a generalist I'm more, I guess an eclectic or something It didn't fascinate me as such

HICKE Too narrow a focus?

DUNLAP Yes I think that had something to do with it A judicial position also, you just have to sit back and wait for cases to come to you

Whereas the legislative business that I'd been in you see a problem you do something about it And you can pick and choose to some extent The whole world is your field At least as it applies to the state of California

HICKE That's an interesting difference that I wouldn't have thought about

DUNLAP Yes So you know, it was a good job, and I'm not complaining about it I enjoyed the people I worked with But it wasn't as stimulating

HICKE How long were you on the board?

DUNLAP Five years

HICKE Then what did you do?

DUNLAP Retired It was a little early to retire and ordinarily I would have all things being equal had say that term continued for another two, three four years I probably would have It was for a term of years so that when Brown was no longer governor Governor Deukmejian nice guy and all that but I wouldn't have appointed him to anything, and I wasn't going to ask him to appoint me to anything We were in opposite political parties, and philosophically somewhat different on most issues

So there just wasn't an opportunity I could have continued

[End Tape 9 Side B]

[Begin Tape 10, Side A]

DUNLAP I was going to say I could have continued but basically the Workers Comp Board was seven members five of whom have to be lawyers And of course I was one of the lawyer members Had I wanted to and decided enough ahead of time to do it I could have taken the exam to become a workers comp judge, which is a trial judge in workers comp and continued to work in the field I also probably could have gotten a job working either for an applicants or an insurance firm as a workers comp lawyer But I really didn't want to do that I didn't want to spend full time working on workers comp anymore It would have involved some considerable work in absorbing and acquiring the capability to do a new job well and I didn't want to do that

 I could have also come back and joined the law firm that I had been a member of in Napa All of those of course, would have been private employment and I would have been in a position to draw a retirement from both legislative and public employees salary and continue But I didn't want to and we had not a lot of money but just enough to get by on We moved to Mendocino the city where we owned an old house It was over 100 years old, and we

had rented it for maybe ten or twelve years that we'd owned it

We were typical absentee landlords we didn't put any money in it and took the rent out And our tenants were not bad tenants but they didn't give it tender loving care, so the house had kind of was on the downhill side We moved in for a year and a half and worked on it ourselves and put it in much better shape

We thought we might stay up there, but we didn't The pull was a little greater to come back here, the kids lived near here, a little more going on in many respects So we after a year and a half, put it on the market and came back here Lived in our former house down the hill, and started to build this one and here we are

Perspective on Leadership Governor Reagan

HICKE And this one is beautiful Well, I have a few more questions about your legislative career One of the things we like to get some perspective on is leadership, and I might start with the governors You were there during two governors' tenures and perhaps you could tell us something about their leadership and their effectiveness with the legislature and the rest of the constituents

DUNLAP Yes Well, I'll start with Reagan, and just give you my own view of him I didn't like him at all before he was governor, I didn't like him as governor, and I don't like him as president So [Laughter]

you've got to recognize that you're talking to someone who's somewhat biased

During the first term in the legislature in particular and some in the second, a substantial amount of energy was involved in trying to slow him down in what he was trying to do to state government, and deemphasize and dismember it in some real respects

HICKE Are you going to give me some specifics?

DUNLAP I can give you a couple of examples yes For instance, when he was first in office during say January and February of 1967, he went around the state speaking and made press releases and the director of finance who was appointed by him also and they said among other things

HICKE Who was the director of finance?

DUNLAP Gordon Smith I think They said over and over again "The state of California is spending a million dollars more a day than it's taking in ' Well that sounds pretty bad doesn't it? [Laughter] And of course, we don't have deficit financing in state government and it makes things look pretty terrible

Well they weren't good Pat Brown our former governor whom Reagan defeated had delayed a tax increase for obvious purposes (he wanted to get reelected), and it was going to be

necessary to have a tax increase in 1967. One did subsequently take place, a big one in the first year of the Reagan administration. So Reagan was probably doing several things. One, he was laying the groundwork for reducing spending and knocking state governmental programs that I thought were important that he thought shouldn't be there. Getting ready for a tax increase, and of course laying the problem on the Democrats who had been there.

Well, it was a problem, but he magnified the heck out of it. This 'million dollars a day' that the state was spending a million dollars a day more than it was taking in, was literally true. But it was a deliberately calculated half truth. Because back in 1967 we didn't have withholding tax. And the income tax wasn't paid on a regular basis, it was paid by everybody on April 15. And the income tax and the sales tax were the chief sources of income.

So here's one major source of income, and it doesn't come in until April. So you're prorating expenses throughout the year on more or less of a regular basis, but income tax only came in later. So it was a deceptive half truth in saying that.

HICKE: There was one day of the year he couldn't say that.

DUNLAP: Right. [Laughter] That's for sure. Well, we became aware of some of those things. I say 'we' some of the Democrats in office. I

frankly think that Jess[e] Unruh failed to carry back the message appropriately and failed to take Reagan on as well as he could have. But some of us in our districts did. John Vasconcellos and I. I remember talking to John on several occasions back in those days and figuring out how we in our own press releases in our districts, and talking to people, would try to correct these things.

That was one example. Another were mental hospitals which he likened to country clubs, and various things like that, and spoke about how they were staffed. There were just many too many people on the staff [according to Reagan], and he wanted to cut down on their size. He used a deceptive statistic there too.

He pointed out that the staff in mental hospitals had been increasing and the number of patients in mental hospitals had been decreasing. So obviously, you're wasting money, you're spending more and more money on less and less people, at that rate.

Well, those figures that he used, again, were literally true, but they weren't the whole truth. Because, although the patient population at any one time in most of the state hospitals had gone down, the number of patients treated in any year had gone up. So people were going in and out much faster, and the reason they were going in and out much faster was that they were getting better.

chemical therapy, but they were also getting better staff treatment
 In other words having more people on the staff gave them more
 attention, more therapy of various sorts to help them out, and they
 got out faster

So, once again, we got a deceptive half truth And I, of
 course, lived three miles about from the Napa State Hospital, had
 many constituents who worked there, whom I knew on a personal
 basis, and on a political basis, through having campaigned there and
 so forth So this information became available to me and I felt a
 major responsibility to try to correct what the department under
 Reagan was saying

Those are examples That kind of thing those two I remember
 because I was kind of shocked to think that the governor of the
 state of California would indulge in such shenanigans to fool people
 I recognize, of course I'm a lawyer, and I know that it's up to
 an advocate, which a governor is in a sense, I suppose to put your
 best foot forward But to deceptively try to deliberately fool people
 I thought was doing a little bit more than putting your best foot
 forward, and I still do I don't think that's worthy of the governor,
 and I think Reagan still does it

HICKE That's an "end justifies the means" type of philosophy Would you

say that characterizes him in general?

DUNLAP Well certainly in observing some of the things that have gone on in Washington, where I've known enough about the facts, I think that's true yes I don't know enough about the facts in most cases to be able to do that but I'm always suspicious

HICKE Do you attribute some of this to his staff, or to his personal goals?

DUNLAP I think this kind of thing is inherent in wanting to convince and I think it takes somebody with some strength to say, 'No, we're not going to do it that way Some intellectual honesty, some conviction some recognition that sooner or later things are going to catch up with you So, I'm sure he didn't sit down and figure out all these things himself but I think he knew what went on and just didn't have the conscience and moral conviction to say 'No, we've got to find a better way "

HICKE So maybe he was a passive participant?

DUNLAP Passive but knowing

HICKE Yes But not maybe the one who actively went and sought

DUNLAP No I don't think he schemed it all up himself But because of his great acting ability, I don't know at least to be I haven't personally seen him since I was in the legislature but I've observed him and his acting ability to play a role where he's

liked where he appears to be a nice guy I think his great acting ability fits particular roles that he's chosen to play in government, anyway So much for Reagan

HICKE Was that part of his leadership effectiveness, his acting ability and his desire to please?

DUNLAP Yes I think he's got a conviction that there's too much government period I think he believes that when he says it But when it comes to the specifics and trying to be honest and illustrate his points, and things like that I don't like his methods at all

HICKE I've read that after Prop 13, they did some surveys, and they found that people didn't want more taxes, but they wanted more services Or they didn't want their services cut

DUNLAP They want it both ways and it takes a courageous person to say, "Well " Reagan was saying what they wanted to hear about not wanting more taxes but he didn't want to increase services He wanted to decrease services And in part, he got away with it, until he ran into some particularly tough stumbling blocks here and there

He did that in state government We were able to slow him down on mental hospitals They did suffer We were able to slow him down on cutting budgets for the university We were able to with the aid of constituent lobbying groups, we were able to slow

down his trying to slow up on support for the needy, and what was then the Medi Cal program. Things like that. But he did make substantial headway.

And now, of course, back in what was it? '81 or '82, I think he would have done his very best to wreak all sorts of havoc with the social security program. But a strong constituency of older people blunted his sword considerably there, and he backed off. He won't even speak against it now.

HICKE: How were you able to accomplish this? You said one way was with the aid of some lobbying.

DUNLAP: Oh, well. I remember one press conference that I had, I forget. It involved home care and Reagan was doing something.

HICKE: For mental patients?

DUNLAP: No, these were what we'll call for want of a better word. I don't remember the specific, a welfare category. And home care, this involved paraplegics who might have only the use of their arms, and receive payments for somebody to help them in their homes. Reagan was wanting to cut them out and I don't remember exactly how it was working. I think it involved an emergency regulation. I don't remember exactly.

I held a press conference at the state capitol and brought two

paraplegics with me, one of whom was a student attending Fresno State College, and he happened to come from Napa, and that's why I got him. I don't know, one of the members of my staff got hold of this information. And he was articulate, and he was getting two three, four hundred a month to pay this person who was helping him. But he was otherwise independent. He was going to graduate from Fresno State, he was going to be qualified to support himself.

And this regulation would have cut him off. So that was just a more dramatic thing that we were able to do that worked. And that wasn't the only reason that Reagan did change. There were other people doing similar things and the lobbying group. At that time, it was a more developed. I think, what I'll call poor people's lobby. I don't remember the names of the various organizations. We were still reaping the benefits of the anti poverty program conceived by [President John F.] Kennedy carried out by [President Lyndon B.] Johnson. There were substantial local community groups working in that regard and some of them paid at the capital and working. I don't know who's up there now, or what's going on exactly. But I can't help but feel that the support in terms of bodies, at least, is lacking now, compared to the way it was then. I don't know. Maybe that gives you enough information.

Governor Jerry Brown

HICKE OK Then, maybe you can compare Reagan with [Jerry] Brown or
tell me a little bit about Brown

DUNLAP Yes They're nothing alike [Pause] From my standpoint, it was a
matter of being able to work with somebody in the governor's office
as opposed to not I wasn't one that hung around in Brown's office,
or looked to the governor for favors or help very often But I think
I might have told you about the [Inaudible] bill the one of Wilson
Rules which he finally vetoed but he gave me a couple of hours to
try to talk him out of it one night I wouldn't have gotten anything
like that from Reagan I had the good sense not to request it
[Laughter]

He [Reagan] wasn't ever personally vindictive, and most of the
time I don't think he knew who I was There were 120 legislators
I'm sure at such time as when I had somebody up at the capital who
was needling his program like the paraplegics I mentioned that
probably got to him and he was a little unhappy But most of the
time I was not You know, I wasn't Speaker of the Assembly
or anything like that where I would normally come to his
attention

As I have said several times, I'm not sure that my election

made much difference to Reagan but his sure made a lot of difference to me

HICKE Just in general what about Brown's strengths and weaknesses as a leader?

DUNLAP Well, I liked him because he had a strong intellectual base himself I think he knew that we had to do some turning around in government, particularly in the areas of environment and protecting it more, and really curbing business I remember being in his office once fairly early in the administration and noticing that he had somewhere on his desk in a way that I could tell he was reading it Small is Beautiful by [Ernst Friedrich] Schumacher if you're familiar with it Which I thought was an important book, and I think he did too

He started out well in that regard I saw him turn around, I thought, and not follow what I felt were probably his convictions as far as I think he could have But it's easy to criticize, so I don't I don't know

I felt that organized labor wasn't too sympathetic to Small is Beautiful Organized labor didn't think small was very good for anything

HICKE Especially not for organized labor

DUNLAP Yes And I think that that made him somewhat wary of what I think he probably really felt needed to be done I don't know That's the only major criticism I have of him Occasionally I think he We had clashes in the legislature with him, and I am not sure that he was as open as he might have been But I certainly liked his intellectual style, and another thing I liked (although some people may have thought that it was a little bit the opposite of putting on fancy airs) was that he drove a Plymouth and disavowed the luxuries of the governor's mansion and things like that I thought that was good and I thought it showed a personal capability that many others just didn't have and wouldn't be able to do Luxury meant too much to them and they wouldn't be able to do that I thought that that was setting a good tone trying to say that, well there are other things more important

HICKE Sort of the Small is Beautiful

DUNLAP Yes He lived that to some extent He didn't just preach it And that was good

Senator James Mills

HICKE OK What about senate leadership? James Mills was the president and

DUNLAP Yes, Jim Mills was president pro tem during my entire time there,

and I was friendly with him. I felt he was a little less assertive than we needed, a little less partisan. We needed a tougher leadership, more partisan body. I'd, of course, come from the assembly where we'd had that. I would have wanted to continue to work in that direction toward strengthening it had I come back. My inclinations supported Robert's for that reason, but I didn't have to make that decision as I indicated.

HICKE: What about other senate leadership?

DUNLAP: Well, I can tell you. You know, the senate is different in that the leadership was diffused. You had one speaker who had, when I was there, really most of the power and chose all the committees and assigned all the bills.

HICKE: Are you talking about the assembly now?

DUNLAP: Yes. Whereas when you got to the senate, the five man Rules Committee had the same power that one man had, so you have a body that's half the size and has five times as many people making decisions. So it's very diffused power.

Robert: I think has sort of tended to increase his power and revert that to some extent. I haven't been there, but as I read it, and from a distance, it looks that way. Each senator, of course, has a lot more power than an assemblyman for two reasons. One,

because there were half as many of us, and two because the leadership had less power so that meant more individual power for each senator. In a sense, it was more fun being a senator, for that reason. Although there was just one heck of a lot more to do because you had more power. It was hard to keep ahead of all of this.

Comparison of Senate and Assembly

HICKE Well, my next question was going to be, how would you compare the assembly and the senate and you've started on that.

DUNLAP I guess I have, to some large extent. Some of the senators were a little pompous and it goes with the differences. But there were a lot of similarities and there was a lot of bickering between the senate and the assembly. I remember being in a Democratic caucus in the assembly many times, and "If we could only get the senate to do this," and "What's the matter with that damn senate?" And then being in a Democratic caucus in the senate and having the same thing said about the assembly.

Unicameral Legislature

DUNLAP I firmly believe that we'd be better off with a unicameral legislature. As a matter of fact, my last year I did have a bill on that to try to get a constitutional change. I think that the legislature would be

strengthened vis a vis the governor, that it would cost a little less money and that there would be greater responsibility and less buck passing. But it doesn't seem likely to occur from within the legislature.

I noticed in one of these articles I read that

[End Tape 10 Side A]

[Begin Tape 10, Side B]

HICKE OK, you were just starting to talk about Senator Sherman.

DUNLAP Oh, yes. Senator Lewis Sherman I noticed, who I think was only in the legislature four years (I think he was defeated at the end of his first term) had introduced a bill for a unicameral legislature, and he was quite unsuccessful. Somebody else somewhere along the line I remember having one once, when I was on the Assembly Rules Committee, because I remember the bill came before us and I was the only one to be the least bit interested in it. And then I did it. There probably were others that tried it, but I don't think any of us ever got out of one committee.

Well, the legislature just has learned how to be there, each individually and collectively, and survive under the present rules, and everybody tends to have a natural tendency to shy away from threatening new things.

HICKE There's also a certain amount of inertia

DUNLAP Yes

HICKE But also vested interests, and holding their jobs

DUNLAP Oh yes sure that's definitely part of it Yes I mean, they've learned how to get elected in assembly districts and who wants to have to be in something new and different? That's one of the reasons of course that reapportionment is always so hard And why the supreme court has twice within my memory taken over reapportionment for the legislature

I think the only way we'll ever get a unicameral legislature would be through an initiative And I'm not sure we'll get it that way

HICKE It would take a certain amount of education as you've pointed out

DUNLAP Yes And it won't solve all the problems, but it might help a little bit Responsibility is the most important thing The amount of money saved I think is a few million dollars maybe The responsibility there just is an awful lot of buck passing where one house will pass a bill "This is not a very good bill, the senate will kill it" Or, The assembly will kill it ' Well that's no way to do it That's not responsible at all, and it's not giving a message to your constituents that would lead them to feel very confident if they

knew what was going on and some do

HICKE What about more communication between the two houses? Is that possible?

DUNLAP Yes Well, there's nothing You mean to breed into the rules a required communication or In other words there's ample opportunity for it Both houses are open to the public The rules of the senate and the assembly permit members of the other house to not only go observe but walk on the floor in the middle of sessions and talk to members and wander around and do practically everything there except vote So I don't think

HICKE Do they ever do that?

DUNLAP Yes

HICKE If they have something important at stake

DUNLAP But usually they do it, like if I want to see Senator So and so, and I somehow don't catch him in his office I know he's going to be on the floor from two to four or something I wander over there then and at least half the time I'd be able to find him He might be in a committee himself, but it's a good way to do [that] It's a way if you want to talk to four or five senators about a bill that's coming up in their committee, you may be able to catch three or four of them at one time on the floor rather than have to try to make

appointments and catch them in their offices So, yes, that kind of thing was done on an individual basis

Roll Call Votes

HICKE What about committee meetings, other than joint committee meetings? Are they open to members of the other house?

DUNLAP Oh yes Not to speak or not to ask questions, but to watch yes

One forum we might speak of that took place while I was in the legislature in either '71 or '72 was requiring roll call votes in the open in both houses Before that most of the committees met in the open and did take roll call votes or voice votes at least in the open Sometimes with voice votes, you couldn't be sure who was voting what way But a couple of the senate committees, Senate Governmental Organization Committee I think, and Governmental Efficiency Committee held meetings in private took votes in private The author of a bill unless he knew a committee member who would tell him didn't know let alone the general public who voted how The vestige of secret government

Although there probably are lots of different reasons why those changes occurred, I would be inclined to give credit to Senator Peter Behr for being the strong force in bringing about reform in both houses on that account The assembly that I know of, never held

secret meetings, but we did have votes that were not roll call votes
 What came out of that was a roll call vote on every bill and no
 secret meetings in both houses And that was in '71 or '72 when
 Senator Behr first got there I don't know just how he had the guts
 to take on the establishment but he sure did I'm sure he had a
 few helpers too of course

HICKE OK What kinds of major changes would you say have been the
 most significant over the years?

DUNLAP Where?

HICKE In the legislature

DUNLAP Well, that's one of them

HICKE You seem to anticipate my questions And probably we've talked
 about most of them but

DUNLAP Yes

HICKE Anything that we haven't talked about that you

DUNLAP Nothing that I can think of just off the top of my head

Role of the Third House

HICKE What about the role of the third house? You've touched on that
 also

DUNLAP Yes I don't know The classic approach Their role has changed
 When I first went there, and this is true, an important change, why,

they spent lots of money on legislators and parties. The first year, my first two or three months in particular, there were continuous parties. More than were physically good for anybody. [Laughter] Too much food, too much to drink. A lobbying group once flew a group of legislators to a hunting party somewhere in Mexico, in fact for a weekend. I didn't get invited and wouldn't have wanted to spend the time on it, but that's an extreme example of the kind of thing that went on. Of course, that was prohibited as a result of the reform initiative. I forget the proposition number which passed the legislature in 1974.¹

HICKE: Was that the Fair Political Practices Act?

DUNLAP: Yes. And that was a worthwhile thing. Among other things, it required all of us to declare our financial interests and limited lobbyists to spending ten dollars a month on any legislator. And that's not very much money.

HICKE: No. Hard to get your ration of fat and cholesterol on that.
[Laughter]

¹ Proposition 9 was passed in June 1974. It is called the Political Reform Act of 1974. The initiative added Title 9, Chapter 7, Article 2 (Section 87200 et seq.) to the Government Code.

DUNLAP Yes And required that they indicate what they spent It didn't limit principals from spending money on legislators, so that to some extent the organizations that the lobbyists represented spent money But then they had to declare what they spent and those were normally for campaign purposes and things like that So although that didn't limit the amount spent, it probably made it a little easier to trace, because a lobbyist of course could use his own money from various sources, and he might represent three or four different types of organizations A legislator's allegiance if there ever was any might be to a lobbyist rather than to a cause, and that pretty well got filtered out as a result of that proposition

I remember there were two times I had real tough times with local organized labor, and they didn't like that proposition They wanted me to turn around and not support it, and I refused We had some real fights over that, and the Dow Chemical plant

HICKE This is the 1974 initiative?

DUNLAP Yes But they got over it, they found out how to operate, like everybody else did So that was a major change, and a good thing, I think Once again, however, it didn't eliminate problems many of which the tremendous contributions now involved in campaign funds certainly haven't been adequately dealt with, by any means

Necessity of Continuous Reform

HICKE Am I reading you correctly? It seems like you're saying that reforms need to be made but then people find ways around them and so then more changes need to be made and so this should be a continual process?

DUNLAP Yes, a process not a product That's true of many things tax reform Many many things that you think you have fixed ideas about but then circumstances change and you have to think of something else

HICKE So you can't really fix it at one blow

DUNLAP No I think of one thing you hear people philosophically argue about whether we should have deregulation [which] is a big thing now It started to some extent with the airlines during [President James E.] Jimmy Carter's presidency Reagan has continued to push deregulation, and some people are against it And I think that's something that doesn't have immutable fixed values but there are times when regulations become too much and stifle initiative and solidify things and eliminate flexibility and new opportunity But then there are times when the absence of regulation allows for neglect of the public welfare, and let's say lack of safety in the airlines for example Lack of safety in industrial plants with the

elimination of Cal OSHA [Occupational Safety and Health Administration] And at the same time that the federal OSHA is not operating in the way it should

So to say that one should always be for regulation or against regulation is wrong, it depends on where you are at the particular time That's just another example of the same thing

HICKE That's really interesting So it almost seems like a question of semantics that deregulation triggers the reaction "good," depending on which way and regulation is 'bad, or the other way around but really it's not simple

DUNLAP No it's not that You've got to know all the facts in a particular area

Final Thoughts on the Role of a Legislator

HICKE Yes Well, let's get to the best and worst aspects of being a state legislator and perhaps we should start with the best

DUNLAP Well, you mean from a personal standpoint?

HICKE Yes from your own experience

DUNLAP Yes Well it's an exciting You feel you're feeling power, feeling you're doing things It's more fun generally to play baseball than to watch baseball if you're really interested in it and young enough to play [Laughter] And one could say the same thing about politics

I'd rather participate in making the rules And I don't mean just to control people or anything like that, but because it's an important area It's an opportunity to change a small part of the world in a beneficial way or in a way that you feel is beneficial And if you don't do that why your opportunity's lost

So I enjoyed it all, pretty much, for most of the twelve years The first couple I was floundering around trying to learn how I thought I was doing important things but I was probably more floundering and learning than doing things And occasionally, I felt some burnout probably toward the end of the time I was in the assembly and then the opportunity to get in the senate sort of lighted the fire up again

I had some frustration in the senate also, but I hadn't by any means totally burned out I don't know, it's possible, but I might have had the sense to retire after one more term in the senate I don't know I might not I might never have retired until I was defeated or dead or something Once in a while you get to feeling that the forces are too much for you and that you're not that there are all these important changes that need to take place in the body politic as a whole, and that you want to be able to contribute toward them, and that you're getting too little done

Like I remember thinking at times of frustration, it's like trying to steer a 500,000 ton oil tanker in the middle of the Pacific Ocean with a canoe paddle. It's a little more effective than that [Laughter] But there are times of real frustration where you feel you're not getting anywhere.

But since then I've thought a lot about it off and on. I was pretty disappointed when I was defeated. I recognized that I could lose, but I really didn't think I was going to. I felt disappointed and a loss of power. You know, here you've got five offices and people that you can call at any time, twenty or thirty people of one sort or another working for you to get information. And all of a sudden you go on to a Workers Compensation Appeals Board where seven members share two secretaries. It's a big difference, big comedown in many respects.

But as I look back on it and I recognize that we didn't get a lot done, and that they're maybe getting less done now than we were then (I don't know that for sure, that's an outside observer's cynicism. I'm not sure) but I think about the fact that, you know here and there there's progress being made. If all the new ideas and new plans don't succeed, sometimes it's because we are in fact experimenting. The liberals, although they see problems sometimes

their solutions don't work, everything you try doesn't work. You have to be able to backpaddle and try something new, and discard something that you thought was going to work but didn't. It doesn't mean you were wrong, it means you tried, and have to try more.

But also, if one thinks about it in terms of not just California in the twentieth century but the world over the long, long period of time, hundreds of thousands of years, you recognize that if you believe in evolution, say, or if you see scientific evidence of evolution and learn that living things adapt and that human species has adapted through trying to do different things over a long period of time, you recognize that, well, maybe we're still doing that. And maybe by trying, even if we continue to fail over such a short run view, we think we're continuing to fail, maybe we're contributing to a process of evolution. If it took us (I don't remember in terms of years) but if it took us 500,000 years to learn to walk erect, maybe it will take us 500,000 more to learn to hold hands while we're walking.

So philosophically, I think it's still worth trying. I don't happen to be doing that right now, figuring I've had a pretty good rest, and done my stint and mostly not. I'm still involved in

local politics a little bit here and there, but mostly I'm not

HICKE And you did have a wonderful career of service

DUNLAP Yes One that I mostly enjoyed

One other disadvantage, and I mentioned to you earlier that I wanted to say something about it, is that I think the legislature should have people who have families in it not just single people. But the life there is far better adapted to somebody who's single, at least in the traditional family sense. I was able, by stretching myself and occasionally not doing justice to the legislative job and often not doing justice to my family to maintain a halfway decent relationship with my wife and be a partial father to four kids. But it was partial.

There were times when I'd spend a night in Sacramento when I should have been here to, I don't know, see my son play tennis or something like that. There were times when I was here when my head was up there. [Laughter] And I was luckier than some in that I lived what was then only about an hour from the capital. It takes a little longer than that now because the traffic's worse. But that's tough, and lots of marriages go on the rocks. I don't know the answer.

HICKE That was going to be my next question

DUNLAP No There are some people that are better constituted than I am to limit themselves in the legislature, I think and that probably helps But then they don't do as much either

HICKE I'm sure that campaigning takes an enormous amount of

DUNLAP Yes Well the family is an asset there or it was most of the time Granted, they suffer from your loss of time but oh, we used to have campaign ventures I remember when I was first running once we had all four of us in a parade My wife and I sat up in the back of an open car and waved and our youngest daughter who was then five sat in between us My oldest daughter drove the car if I remember She was a high school senior or thereabouts or maybe college, I forget Maybe college freshman Then my oldest son sat down on the floor in the back seat and blew up balloons which we handed out to the youngest son who passed them out to people in the parade That was [Laughter], you know we think about that fondly and it was a good gimmick

My youngest daughter and I used to ride in local parades that they had for fairs and we rode a tandem bicycle which I remember It was just a different way of appearing and things like that So there were things like that where we worked together well, but mostly it was tough on the family

HICKE How did they feel about it?

DUNLAP Well, I think they tolerated it and occasionally there were benefits you know, get to go to the Capitol I can remember my youngest son going up there the Oakland Raiders had a night with the legislature, and I took him up for that And then when [U S Senator George] McGovern was running for president in '72 in the primary, why Peter [Dunlap], who was in junior high school went on a tour with me and McGovern's son in law [Assemblywoman] March Fong [Eu] and I and Dennis Weaver toured the Mother Lode country for the McGovern campaign Peter went along I took him out of school He had a good time and it was an opportunity that most kids wouldn't have So there are things like that

Janet [Dunlap] didn't like the clubby wife kind of stuff up there, she thought it was kind of shallow She came up occasionally but not very often Partly because to her it was shallow, and partly because there were things to do here that were more important She did get to do a few things that were fun I remember we went to and sat with Jane Fonda and [Assemblyman] Tom Hayden at a premier of one of Jane's movies That was kind of a thrill for both of us, for Janet But I think she probably got the short end of the deal more than an advantage

HICKE I remember you said she campaigned with you a lot

DUNLAP Yes, particularly at first, particularly in the first few years, when I felt insecure As time went on, she'd had enough of it, and I needed her less, or thought I needed her less She was certainly very supportive I remember she told me within a half an hour after it became apparent election night that I was defeated she said "Well I certainly wanted you to win because I knew you wanted you to win But now that it looks like you're not going to, I'm glad "
[Laughter] So that sized it up pretty well

I don't think of anything else off the top of my head, Carole

HICKE Well this has been a very informative interview and I thank you very much

[End Tape 10, Side B]